

2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH ZONING BOARD OF APPEALS

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4 In the Matter of

5 THOMAS LENT

6 1768 Route 300, Newburgh
7 Section 14; Block 1; Lot 32
RR Zone

-----X

8 Tuesday, November 22, 2022
9 7:00 p.m.
10 Town of Newburgh Town Hall
Newburgh, New York

11 BOARD MEMBERS: DARRIN SCALZO, Chairman
12 DARRELL BELL
13 ROBERT GRAMSTAD
14 GREGORY M. HERMANCE
JOHN MASTEN
DONNA REIN

15 ALSO PRESENT: DAVID DONOVAN, ESQ.
16 JOSEPH MATTINA
17 SIOBHAN JABLESNIK

18 APPLICANT'S REPRESENTATIVE: THOMAS LENT

22 -----

23 MICHELLE L. CONERO
24 3 Francis Street
Newburgh, New York 12550
(845)541-4163

25

1 Thomas Lent

2 CHAIRMAN SCALZO: I'd like to call the
3 meeting of the Zoning Board of Appeals to order.
4 The order of business this evening are the public
5 hearings which are scheduled. The procedure of
6 the Board is that the applicant will be called
7 upon to step forward, state their request and
8 explain why it should be granted. The Board will
9 then ask the applicant any questions it may have,
10 and then any questions or comments from the
11 public will be entertained. The Board will then
12 consider the applications and will try to render
13 a decision this evening, but may take up to 62
14 days to reach a determination.

15 I would ask that if you have a cell phone to
16 please turn it off or put it on silent. And when
17 speaking, speak directly into the microphone, as
18 our meeting is being recorded by a stenographer,
19 and it's easier for her to hear when you are
20 speaking into the microphone.

21 Roll call, please.

22 MS. JABLESNIK: Darrell Bell.

23 MR. BELL: Here.

24 MS. JABLESNIK: James Eberhart is absent.
25 Robert Gramstad.

1 Thomas Lent

2 MR. GRAMSTAD: Here.

3 MS. JABLESNIK: Greg Hermance.

4 MR. HERMANCE: Here.

5 MS. JABLESNIK: John Masten.

6 MR. MASTEN: Here.

7 MS. JABLESNIK: Donna Rein.

8 MS. REIN: Here.

9 MS. JABLESNIK: Darrin Scalzo.

10 CHAIRMAN SCALZO: Here.

11 MS. JABLESNIK: Also present is our
12 attorney, Dave Donovan, from Code Compliance
13 Joseph Mattina, and our stenographer this evening
14 is Kari Reed.

15 CHAIRMAN SCALZO: I will do my best to speak
16 slowly for you.

17 Our first applicant this evening is Thomas
18 Lent, 1768 Route 300 in Newburgh, seeking area
19 variances of maximum square footage, maximum
20 building surface coverage, and lot surface
21 coverage to build a 30 by 50 accessory building.

22 Any mailings on this, Siobhan?

23 MS. JABLESNIK: Yes. The applicant sent out
24 12 letters. We mailed the application to the
25 County and we received their referral for local

1 Thomas Lent

2 determination.

3 CHAIRMAN SCALZO: Very good, thank you.

4 MS. JABLESNIK: You're welcome.

5 CHAIRMAN SCALZO: Do we have anyone here
6 representing this application this evening?

7 MR. LENT: Yes. Hi, Board members.

8 CHAIRMAN SCALZO: Mr. Lent, I just --

9 MR. LENT: Yes, sir.

10 CHAIRMAN SCALZO: -- read what it is that
11 you're here looking for.

12 MR. LENT: That pretty much sums it up.

13 CHAIRMAN SCALZO: Okay. I actually was at
14 the site today. I see you already have your
15 footings formed up there, or least --

16 MR. LENT: Well, somewhat formed, yup.

17 CHAIRMAN SCALZO: Your neighbor behind you
18 has a very similar similarly sized --

19 MR. LENT: Sure.

20 CHAIRMAN SCALZO: -- structure. I called
21 Siobhan today and asked if that was a permitted
22 structure, and yes, it is.

23 MR. LENT: Yeah. We're good friends and we
24 share the same lots.

25 CHAIRMAN SCALZO: Yup. So I -- you know,

1 Thomas Lent

2 you're putting a lot on a small lot, that's for
3 sure.

4 MR. LENT: Mm-hmm.

5 CHAIRMAN SCALZO: And the diagram that you
6 included with your application doesn't show me
7 where your septic is.

8 MR. LENT: Okay.

9 CHAIRMAN SCALZO: So if you could tell me
10 where your septic is, and I'm hoping you're not
11 going to say it's underneath the proposed garage.

12 MR. LENT: No, not at all, nope.

13 CHAIRMAN SCALZO: So I'm assuming it's in
14 the front yard to the right of the driveway?

15 MR. LENT: No, it's along the same side but
16 it's before the proposed building.

17 CHAIRMAN SCALZO: Okay. The well must be on
18 the other side of the house?

19 MR. LENT: I'm sorry?

20 CHAIRMAN SCALZO: Your well, or are you
21 central water?

22 MR. LENT: Oh, yeah, the well is on the
23 other side. No, town water.

24 CHAIRMAN SCALZO: Oh, town water.

25 MR. LENT: Yeah.

1 Thomas Lent

2 CHAIRMAN SCALZO: Okay. And the, how do you
3 think you would be able to maintain -- your
4 minimum required setback for an accessory
5 structure in this case is five feet?

6 MR. LENT: No, 12.

7 CHAIRMAN SCALZO: Well, you have 15 and ten,
8 so.

9 MR. LENT: Yes.

10 CHAIRMAN SCALZO: Are you very familiar with
11 where your property corners are, so you --

12 MR. LENT: Pretty familiar.

13 CHAIRMAN SCALZO: All right.

14 MR. LENT: I can talk about what --

15 CHAIRMAN SCALZO: All right. I just don't
16 want you to be any closer than five feet from the
17 property line.

18 MR. LENT: No, no. That's why I put ten to
19 15.

20 CHAIRMAN SCALZO: Okay. At this point in
21 time I'm going to look to the other members of
22 the Board. I'll look down to Ms. Rein.

23 MS. REIN: No, I'm good.

24 MR. LENT: I have nothing.

25 CHAIRMAN SCALZO: Okay. Mr. Bell?

1 Thomas Lent

2 MR. BELL: I did speak to your wife when I
3 was out earlier today.

4 MR. LENT: Yes, sir.

5 MR. BELL: She had mentioned that the
6 neighbor is actually about ten feet on your
7 property line; correct?

8 MR. LENT: Existing, there was a garden that
9 was removed by them.

10 MR. BELL: Right.

11 MR. LENT: It's all good now.

12 MR. BELL: Okay. And that septic is in the
13 field to the, if I'm looking this way, is to the
14 right of the driveway, the driveway side.

15 MR. LENT: Correct.

16 MR. BELL: Okay. Okay, I'm good.

17 CHAIRMAN SCALZO: Thank you.

18 Mr. Hermance?

19 MR. HERMANCE: I just noticed you have a lot
20 of fill there to build up that.

21 MR. LENT: It's probably about a 60/40
22 split. I'm probably going to bring it back down
23 for the footings. I took out a bunch of trees.

24 MR. HERMANCE: Mm-hmm.

25 MR. LENT: Something, something in my life

1 Thomas Lent

2 happened that brought on all this is my brother
3 passed away in November a year ago, and he left
4 me a Hellcat and a Challenger that's worth
5 \$80,000, and I need someplace to put the stuff.
6 So between that and the stuff I already had,
7 that's why I need the building for, it's going to
8 be to store my vehicles.

9 MR. HERMANCE: That's all I have.

10 CHAIRMAN SCALZO: How about you,
11 Mr. Gramstad?

12 MR. GRAMSTAD: Nothing.

13 CHAIRMAN SCALZO: Very good.

14 All right, sir, let me ask you a couple more
15 questions here. The proposed structure, you're
16 going to store some classic vehicles in there --

17 MR. LENT: Yeah.

18 CHAIRMAN SCALZO: -- and some hobby toys?

19 MR. LENT: Hopefully my motor home.

20 CHAIRMAN SCALZO: Okay.

21 MR. LENT: It's a 30 foot building and my
22 motor home is 29.

23 CHAIRMAN SCALZO: Under no circumstances
24 will there ever be a business run out of there.

25 MR. LENT: No.

1 Thomas Lent

2 CHAIRMAN SCALZO: No, all right. So if we
3 get far enough this evening that, would you be
4 okay with us putting a condition on any variance
5 that we grant that there would never be any
6 business run out of that?

7 MR. LENT: You got it.

8 CHAIRMAN SCALZO: All right, very good.

9 All right, so at this point I'm going to
10 open it up to any members of the public that may
11 wish to comment on this application. Please step
12 forward, sir. Please state your name for the
13 record.

14 MR. MAINS: My name is Roger Mains. I'm the
15 neighbor.

16 CHAIRMAN SCALZO: Mr. Mains.

17 MR. MAINS: Some concerns I have. The size
18 of the building, and the structure, the
19 appearance, how is it going to look. It is being
20 put between two houses, not in the backyard, not
21 hidden away.

22 MR. LENT: I wish I had a backyard.

23 MR. MAINS: I wish you had a backyard too
24 and you could build one twice the size.

25 I'm just concerned. It's closer to my house

1 Thomas Lent

2 than it is to his.

3 CHAIRMAN SCALZO: Okay.

4 MR. MAINS: So appearance, you know. If
5 granted, it's going to run the whole width, the
6 whole length is going to be the whole width of my
7 house.

8 CHAIRMAN SCALZO: It's a substantial
9 structure. I think it's actually larger than
10 your own home, isn't it?

11 MR. LENT: It will be close. Pretty close,
12 to be honest.

13 CHAIRMAN SCALZO: Are you --

14 MR. LENT: But it's definitely like not
15 right on the corner of your house, it's ten or
16 15 feet back about around the corner of your
17 house.

18 CHAIRMAN SCALZO: Right.

19 MR. MAINS: Every window I look out --

20 MR. LENT: That's the reason where I put it.

21 MR. MAINS: Every window I look out is going
22 to see a, see a steel wall.

23 MR. LENT: Kind of like what I see when I
24 look out my backyard, right?

25 MR. MAINS: I just want to say, I don't -- I

1 Thomas Lent

2 want him to have a building, because he does need
3 to get all his crap out of his front yard.

4 However --

5 MR. LENT: That's why I bought it.

6 CHAIRMAN SCALZO: Well, that's another
7 conversation that can happen once you guys step
8 outside.

9 MR. MAINS: I just want something that looks
10 good, I want to be able --

11 MR. LENT: I want the same thing.

12 MR. MAINS: You know, I spent a lot of time
13 and money improving my house and making my house
14 look good, and, you know, like I said, this
15 building is going to be closer to my house than
16 his. I see in a lot of the past minutes people
17 try to blend the appearance of their structures
18 to match their house, to make it appealing, make
19 it look good. I don't know what this building
20 looks like.

21 CHAIRMAN SCALZO: We don't have any
22 architecturals for it.

23 MR. LENT: No, I wish I had them. I was
24 telling my wife that, I wish I had them, you
25 know, a finished rendering.

1 Thomas Lent

2 CHAIRMAN SCALZO: Are you --

3 MR. LENT: I definitely will have it for,
4 you know, for the planning board.

5 MR. MAINS: With the size of that building.

6 CHAIRMAN SCALZO: Now, when you say the
7 planning board, do you have to appear before the
8 planning board?

9 MR. LENT: No, from, from what I talked to
10 about with Gerald.

11 CHAIRMAN SCALZO: Okay. Mr. Mattina, can
12 you help me out with that, is there a reason why
13 this has to happen?

14 MR. MATTINA: Right. What happened, this
15 all started with a complaint that came in through
16 the filling in the area, and that's a critical
17 environmental area.

18 CHAIRMAN SCALZO: Okay.

19 MR. MATTINA: So the fill has to go before
20 the planning board.

21 CHAIRMAN SCALZO: Okay.

22 MR. LENT: Well, it was under a certain
23 amount.

24 MR. MATTINA: Right. No, I meant the
25 surface within the critical area has to go.

1 Thomas Lent

2 MR. LENT: Right.

3 MR. MATTINA: Whether it's, you know, ten
4 yards or 400 yards, to be within the Chatham Lake
5 area.

6 MR. LENT: Correct.

7 CHAIRMAN SCALZO: Okay. So this will appear
8 before another board.

9 MR. LENT: Yes, sir.

10 MR. DONOVAN: If I could, Mr. Chairman, so
11 this is in a town designated critical
12 environmental area?

13 MR. MATTINA: Yes.

14 MR. LENT: There's already a building behind
15 me that's closer to the lake than my house.

16 CHAIRMAN SCALZO: No, that I understand.
17 And I don't know if they established that
18 critical environmental area when your neighbor
19 got his permit in 2003 or five or whatever year
20 that was.

21 MR. MAINS: Somewhere back there, yeah.

22 CHAIRMAN SCALZO: And unfortunately, you
23 know, it's in -- everybody needs a shed to put
24 their stuff in.

25 MR. LENT: I do.

1 Thomas Lent

2 CHAIRMAN SCALZO: I agree with you on that.
3 And now our, I don't know if you've evaluated
4 your needs based on what you got or if it's a
5 prefab size?

6 MR. LENT: No, yeah, no, but it's based on
7 what I need, a four car garage. Like I said, my
8 brother left me two.

9 MRS. LENT: Nothing was established to us
10 about the environmental.

11 CHAIRMAN SCALZO: If you're going to, you're
12 going to have to step up and state your name so
13 we can capture this.

14 MRS. LENT: I'm sorry. Hi, I'm Sherry. I
15 just, nothing was established to us as to exactly
16 what it means to be an environmentally critical
17 area. We were being apprised of it, but when the
18 first gentleman came out he said he would give us
19 more information on it, and we never received it.
20 So I just wanted my husband to be clearly
21 understanding as to why that's classified as one.
22 Thank you.

23 CHAIRMAN SCALZO: Okay. No, that's fine.
24 You know, perhaps you can work with the building
25 department, they can supply you a little more

1 Thomas Lent

2 information on that.

3 Thirty by 50, you couldn't reduce it? I'm
4 just asking.

5 MR. LENT: I already ordered the building
6 over here, December 23rd.

7 CHAIRMAN SCALZO: Oh, wow. So you're really
8 asking for forgiveness now, not permission.

9 MR. LENT: No, but I mean, I mean, this is
10 what I need to house, like I said, my brother
11 left me in a lurch kind of, but I'm not
12 ungrateful, I mean, he left me beautiful
13 vehicles.

14 CHAIRMAN SCALZO: Okay.

15 MR. LENT: I'm not going to leave them
16 outside.

17 CHAIRMAN SCALZO: Well, you know what, your
18 sketch does show that you are going to have a
19 minimum of ten feet between the side of this
20 building --

21 MR. LENT: Absolutely.

22 CHAIRMAN SCALZO: -- and the property line.
23 You know what, you might be able to fit some
24 trees in there.

25 MR. LENT: Yeah, absolutely. However he

1 Thomas Lent

2 wants to decorate it, I'm all game, man. I'll
3 put a fence, a birdbath. I want everybody happy,
4 for sure.

5 MS. REIN: Mr. Mains, what would you
6 suggest, what would --

7 MR. MAINS: Well, that's, the appearance is
8 the biggest thing. Like I said, I work hard to
9 make my house look good, I get a lot of
10 compliments on it. This thing is very close to
11 my house, I mean.

12 The second thing is, all the fill that was
13 brought in is, as he's allowed to, right up to
14 the property line, maybe six inches away, okay.
15 It's anywheres from three to maybe six or seven
16 foot of fill on a slope.

17 MR. LENT: No.

18 MR. MAINS: Well, it's at least five foot on
19 the side.

20 MR. LENT: I mean, somebody was looking at
21 the site and they said it was fine, all right?

22 MR. MAINS: Yeah, I'm not saying it's not
23 fine. What I'm saying --

24 MR. LENT: Jim Panel was at the site already
25 and he said the fill is fine.

1 Thomas Lent

2 MR. MAINS: My point is --

3 MR. LENT: Want me to bring him in?

4 MR. MAINS: -- that it's all the way --

5 MS. REIN: Let Mr. Mains speak.

6 MR. BELL: Talk one at a time so we can make
7 sure that she captures it, the back and forth.

8 MR. LENT: Got you.

9 MR. MAINS: So it is fill on a 45 right up
10 to the property line. It is blacktop millings.

11 MS. REIN: So, as I said, what would your
12 recommendation be, what do you want to see?

13 MR. MAINS: Well, I don't see how someone is
14 going to be able to maintain that. How do you
15 maintain this 45 degree slope when it's all the
16 way to my property line and there's a huge
17 building in front of it?

18 CHAIRMAN SCALZO: Well --

19 MR. MAINS: I see nothing but weeds growing.

20 CHAIRMAN SCALZO: Right. I see slope
21 stabilization in some construction projects, but
22 you're saying it's millings.

23 MR. LENT: Blacktop millings.

24 CHAIRMAN SCALZO: Sometimes you can grow
25 grass on a wet paper towel, but it's not going to

1 Thomas Lent

2 last that long.

3 MR. MAINS: Again, I'm just looking for, you
4 know, this building to look good, the property to
5 be maintained correctly. You know, I don't want
6 to have a, I don't want to have a wall of weeds.

7 MR. LENT: Has that been a problem in the
8 past on my property? I own the house, I'm next
9 door to them. Has that ever been a problem as
10 far as I control weeds?

11 CHAIRMAN SCALZO: That's, that's another
12 conversation that you gentlemen can --

13 MR. LENT: I'm just saying what about weeds,
14 I take care of my weeds.

15 CHAIRMAN SCALZO: It's also being recorded,
16 so we can't have you talking over each other.

17 MR. LENT: Sure. That's what I asked him,
18 nobody is -- I don't know why he's concerned
19 about it. I always cut my grass, right? I mean,
20 there's no buffer between the building.

21 CHAIRMAN SCALZO: No, it's vinyl.

22 MR. LENT: I'll put in a fence. Put it in
23 the plan.

24 MR. DONOVAN: So Mr. Chairman, while you,
25 everyone looks over this proposal, we have, as

1 Thomas Lent

2 code compliance indicated, we have a fairly large
3 accessory structure proposed in a critical
4 environmental area. I think one of the issues
5 for the Board to consider is whether or not the
6 handwritten drawing is sufficient for you to make
7 a determination. You have a handwritten location
8 without any architectural renderings, without any
9 topography, without any indication of drainage or
10 where the roof lead is going to go. I mean,
11 these are all, I know they would be considered I
12 guess to some degree by the planning board, but,
13 you know, once, once you issue the variance, if
14 you will the cat's out of the bag. So I don't
15 know whether the Board would be interested in
16 something some more detailed drawing before you
17 approve a structure of this size in a critical
18 environmental area.

19 MR. LENT: Right. And I don't know where,
20 perfectly --

21 MR. BELL: That's where I was going to go.

22 MR. LENTS: In compliance with having any
23 drawings here.

24 MR. DONOVAN: Great. So there's a time to
25 talk and a time to listen. Now is your time to

1 Thomas Lent

2 listen, understood?

3 MR. LENT: I'm sorry?

4 MR. DONOVAN: There's a time to talk and a
5 time to listen. Now is your time to listen.

6 MR. LENT: Yeah, I'm absolutely prepared to,
7 I'll willing to. That's what I'm telling you.

8 MR. DONOVAN: I don't know about that.

9 MR. LENT: I've been born and bred in this,
10 this area my whole life.

11 MS. REIN: I think that if we go that route,
12 which I think is a good route, I think any
13 conditions that we want to set forth we should
14 see in those renderings.

15 CHAIRMAN SCALZO: Renderings or a site plan.

16 MR. BELL: A site plan.

17 CHAIRMAN SCALZO: I'll use those words
18 interchangeable, if you will.

19 MR. BELL: That's what I was going to say.

20 CHAIRMAN SCALZO: But you know what, I
21 really the, that thought. When we first started
22 the conversation I had asked, you know, with the
23 ten foot and the 15, you know, how are you going
24 to make sure that you were maintaining those
25 distances, and then we hear that your fill may be

1 Thomas Lent

2 right at your property line --

3 MR. LENT: Right, on the corner.

4 CHAIRMAN SCALZO: -- raised to a certain
5 elevation. So you know what, I do like the
6 suggestion that we have here to, I want to see a
7 real survey, a real site plan that shows the
8 total slope, the top of slope for where your
9 current fill section is now.

10 MR. LENT: Okay.

11 CHAIRMAN SCALZO: And if you're really
12 looking for, like I say, you may want to
13 reevaluate the 30 by 50 in a critical area.
14 However, you know, there are things that could
15 also appear on the site plan, perhaps maybe a
16 landscaping plan that goes with it, which may
17 include fencing or trees. Trees don't grow well
18 in millings.

19 MR. LENT: Slope coverage.

20 CHAIRMAN SCALZO: You know, so.

21 MR. LENT: Things like that.

22 CHAIRMAN SCALZO: Yes.

23 MR. LENT: Got it.

24 CHAIRMAN SCALZO: Yeah. So, you know, I'm
25 not going to tell you who to go to or, you know,

1 Thomas Lent

2 but you probably want to get a design
3 professional in here that can give us real
4 information. And in that case you're going to
5 need to show us exact offsets to where you want
6 the building. You know, an elevation may not be
7 a bad thing because --

8 MR. LENT: Yeah.

9 CHAIRMAN SCALZO: -- as Ms. Rein had
10 mentioned, an elevation perhaps, maybe a couple
11 additional photos from your neighbor's property
12 looking that way. You know, I would recommend
13 that you speak with your neighbor and perhaps you
14 guys can come to a compromise as to what would be
15 acceptable to go forward. Thank you.

16 MR. LENT: Can I speak?

17 CHAIRMAN SCALZO: Yes, you may.

18 MR. LENT: So somebody was already at the
19 site when he filed the complaint about the fill.
20 And he told them, Phil Campbell, the degree of
21 fill was perfectly fine.

22 CHAIRMAN SCALZO: And that's a --

23 MR. LENT: That's the height and the amount
24 of fill that was proposed.

25 CHAIRMAN SCALZO: Yes, but --

1 Thomas Lent

2 MR. LENT: So there's all, there's all --

3 CHAIRMAN SCALZO: The materials --

4 MR. LENT: The material's wonderful.

5 CHAIRMAN SCALZO: The material, you can get
6 away with a one on one for millings, and it's
7 probably not going to go anywhere. However --

8 MR. LENT: It hasn't moved.

9 CHAIRMAN SCALZO: I know. However, it ends
10 up being packed then it almost turns into
11 something, you know, that's not going to move,
12 it's not going to slough or erode.

13 MR. LENT: No.

14 CHAIRMAN SCALZO: And actually it's
15 considered --

16 MR. LENT: It won't wash away.

17 CHAIRMAN SCALZO: -- permeable.

18 MR. LENT: Right.

19 CHAIRMAN SCALZO: So water does pass through
20 it.

21 Is there anyone else here from the public
22 that wishes to speak? Again, I'll let you talk.
23 Anyone else from the public that wishes to speak
24 about this application?

25 (No response)

1 Thomas Lent

2 CHAIRMAN SCALZO: All right. So let's go
3 back to you, sir.

4 MR. MAINS: Just my last concern is with a
5 roof this large, 30 by 50, how big the roof is
6 going to be, I don't know, that is sloped
7 directly at my property, with this fill sloped
8 directly at my property, the amount of water
9 that's going to come off of this roof directly
10 onto my property.

11 MR. BELL: And that's why --

12 CHAIRMAN SCALZO: Well --

13 MR. BELL: I'm sorry.

14 CHAIRMAN SCALZO: No, that's a very valid --

15 MR. MAINS: It's the wet side of my house as
16 it is, I already fight water on that side. I'm
17 constantly bringing soil in to raise it up,
18 trying to slope to away from my foundation.

19 CHAIRMAN SCALZO: I have the same problem at
20 my house.

21 MR. LENT: That's not happening with the
22 footing drains, correct?

23 CHAIRMAN SCALZO: Sure.

24 MR. LENT: There's a lot of water, that's
25 the way that --

1 Thomas Lent

2 CHAIRMAN SCALZO: But I'll tell you what,
3 Mr. Lent, these comments that we're hearing,
4 which are being recorded this evening, I would
5 recommend that you go see a design professional,
6 bring all these comments with you.

7 MR. LENT: Yeah.

8 CHAIRMAN SCALZO: And anything that we've
9 addressed here, we're going to need some
10 resolution to it before we can act on it. At
11 least that's my opinion.

12 MR. LENT: Right.

13 CHAIRMAN SCALZO: So anyone else from the
14 public that wishes to speak about this
15 application?

16 (No response)

17 CHAIRMAN SCALZO: No. Hearing none, I'm
18 going to go back to the Board. Anything?

19 MR. HERMANCE: So perhaps you may want to
20 consider a retaining wall instead of just letting
21 it slope off.

22 MR. LENT: I was going to bench it.

23 MR. HERMANCE: Put a retaining wall on the
24 back to keep the soils in and then it would be
25 level ground to plant shrubbery or whatnot.

1 Thomas Lent

2 MR. LENT: Again, whatever it's going to
3 take to please the court. But concrete blocks
4 don't look so attractive, you know what I'm
5 saying? So I was going to bench it. I don't
6 know whether you know what that means. I've been
7 here a long time. I was going to bench it, put
8 bird baths, I don't really care, whatever you
9 guys want. I mean, I'll take care of it, I told
10 you, it will look beautiful.

11 CHAIRMAN SCALZO: So we --

12 MR. LENT: It will be okay.

13 MR. BELL: Let me say --

14 CHAIRMAN SCALZO: Please, Mr. Bell.

15 MR. BELL: One thing that I did hear you say
16 that everything is on the way, you're supposed to
17 be starting this project next month?

18 MR. LENT: Oh, no. I ordered the building
19 back in September.

20 MR. BELL: Okay.

21 MR. LENT: It was supposed to be here way
22 before now. It's not a big deal. They'll sell
23 it to someone else.

24 MR. BELL: I just want to make sure that
25 nothing, because you've already, you know --

1 Thomas Lent

2 MR. LENT: I'm trying to get it in before
3 winter because I don't want my cars out.

4 MR. BELL: You've already actually went
5 farther than you should have because we haven't
6 granted anything.

7 MR. LENT: No, I wasn't, I'll stop.

8 MR. BELL: Okay. So therefore, I just want
9 to make sure that I'm understanding that if this
10 building does arrive that's already been
11 ordered --

12 MR. LENT: Yeah, no.

13 MR. BELL: -- that we not start anything
14 until after you come back here in December and
15 then we proceed from that point on.

16 MR. LENT: Got you.

17 MR. BELL: Okay.

18 MR. LENT: Yeah. I talked to Mr. Canfield
19 and he said I'm good.

20 CHAIRMAN SCALZO: Well, Mr. Canfield can
21 only give you so much because we have to --

22 MR. LENT: He saw the forms, he said I just
23 want to make sure there's no concrete in the
24 ground.

25 CHAIRMAN SCALZO: Okay.

1 Thomas Lent

2 MR. LENT: I'm trying to beat the winter
3 too.

4 CHAIRMAN SCALZO: Well --

5 MR. LENT: I don't want to snowmobile.

6 CHAIRMAN SCALZO: We all are hoping to beat
7 the weather with all of our projects.

8 So I'm going to look to the Board for a
9 motion to keep the public hearing open.

10 MR. MASTEN: I make a motion.

11 MR. BELL: I second.

12 CHAIRMAN SCALZO: We have a motion from
13 Mr. Masten, we have a second from Mr. Bell. All
14 in favor?

15 (Chorus of ayes)

16 MS. JABLESNIK: Those opposed?

17 (No response)

18 MR. DONOVAN: Siobhan, what is that date?

19 MS. JABLESNIK: The meeting again is the
20 22nd of next month. And then if you have
21 anything to submit, so the Board gets it in time
22 you have to submit by December 8th.

23 CHAIRMAN SCALZO: Yeah. It's going to be,
24 I'll tell you right now, it's going to be a
25 challenge to get somebody out there and do a real

1 Thomas Lent

2 survey and site plan for you, but do your best.

3 And hopefully we can always, if you're not

4 prepared by that time, we can always hold you,

5 keep the meeting open one more month.

6 MR. LENT: So we're fine until what? What
7 changed our minds here?

8 CHAIRMAN SCALZO: I don't understand what
9 you're saying.

10 MR. LENT: What changed our minds here?
11 It's in a, in a, you know, next to the lake, in a
12 restricted area? You knew that coming in, no?

13 CHAIRMAN SCALZO: I don't live there, sir,
14 you do.

15 MR. LENT: I'm saying, what changed our
16 minds here?

17 CHAIRMAN SCALZO: What changed our minds?
18 You've heard all of our comments this evening.

19 MR. LENT: So what do you need from me?

20 CHAIRMAN SCALZO: My recommendation is, as
21 soon those meeting minutes are available to you,
22 you may want to bring those to a design
23 professional. They will go through them with
24 you. They will probably give you items, numbered
25 items, and they will let you know exactly their

1 Thomas Lent

2 interpretation of what we're looking for.

3 MR. LENT: So I was within my guidelines as
4 far as offset.

5 CHAIRMAN SCALZO: You might be in your
6 guidelines for the offset but you're not in your
7 guidelines for surface area coverage.

8 MR. LENT: Right, right, right, I know, I
9 knew that.

10 CHAIRMAN SCALZO: All right. So sir, you're
11 here in front of us to seek variances for relief
12 from certain aspects that are required by the
13 code. That's what we're here for. So when you
14 satisfy what it is we're looking for, perhaps we
15 can move forward.

16 MR. LENT: You got it. All right. Well,
17 thank you for your time.

18 CHAIRMAN SCALZO: Thank you. Hopefully
19 we'll see you next month. Thank you.

20 MR. DONOVAN: Sir, just so you know, there's
21 no additional notification.

22 CHAIRMAN SCALZO: No, no one else will do
23 mailings.

24 MR. DONOVAN: You won't get any mailings.

25 MR. MAINS: Okay.

1 Thomas Lent

2 MR. DONOVAN: So just check the website to
3 make sure it's on the agenda.

4 MR. MAINS: Okay. Thank you.

5 (Time noted 7:24 p.m.)

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1 Thomas Lent

2 CERTIFICATE

3 STATE OF NEW YORK)
 4) SS:
 5 COUNTY OF ORANGE)

6

7 I, KARI L. REED, a Shorthand Reporter
 8 (Stenotype) and NotaryPublic within and for
 9 the State of New York, do hereby certify:

10 I reported the proceedings in the
 11 within-entitled matter and that the within
 12 transcript is a true record of such
 13 proceedings.

14 I further certify that I am not related,
 15 by blood or marriage, to any of the parties in
 16 this matter and that I am in no way interested
 17 in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set
 19 my hand this 5th day of December, 2022.

20

21

22

Kari L Reed

KARI L. REED

23

24

25

2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH ZONING BOARD OF APPEALS

3 -----X

4 In the Matter of

4 JMSV INVESTORS, LLC
5 177 South Plank Road, Newburgh
6 Section 60; Block 3; Lot 14.3
6 B Zone

7 -----X

8 Tuesday, November 22, 2022
9 7:25 p.m.
10 Town of Newburgh Town Hall
10 Newburgh, New York

11 BOARD MEMBERS: DARRIN SCALZO, Chairman
12 DARRELL BELL
13 ROBERT GRAMSTAD
14 GREGORY M. HERMANCE
14 JOHN MASTEN
14 DONNA REIN

15 ALSO PRESENT: DAVID DONOVAN, ESQ.
16 JOSEPH MATTINA
17 SIOBHAN JABLESNIK

18 APPLICANT'S REPRESENTATIVE: CHRISTOPHER SMITH
19
20
21

22 -----

23 MICHELLE L. CONERO
24 3 Francis Street
24 Newburgh, New York 12550
25 (845)541-4163

1 JMSV Investors

2 CHAIRMAN SCALZO: Our next applicant this
3 evening is JMSV Investors, LLC, 177 South Plank
4 Road, Newburgh. This is calling for a use
5 variance to allow an alteration to a
6 nonconforming freestanding sign when the building
7 is less than 35 feet from the front property
8 line, and if approved, area variances of the
9 front and side property lines.

10 Who do we have with us?

11 MR. SMITH: Good evening, sir. Christopher
12 Smith on behalf of the applicant.

13 CHAIRMAN SCALZO: Very good.

14 MR. SMITH: I wanted to kind of clarify
15 something. I think that the prior owner of the
16 property is actually JMSV Investors, LLC, and for
17 some reason that seemed to get on the, some of
18 the papers someplace. But the applicant is named
19 MasterG, LLC, and that's the name of the
20 business.

21 CHAIRMAN SCALZO: That is actually right
22 here on the application.

23 MS. JABLESNIK: It must be the --

24 CHAIRMAN SCALZO: No, and that's okay. We
25 can, you know, that's not a show stopper.

1 JMSV Investors

2 MR. SMITH: Okay.

3 CHAIRMAN SCALZO: However, did we get
4 county's?

5 MS. JABLESNIK: We have, we received
6 county's back, local determination.

7 CHAIRMAN SCALZO: Very good, so we can
8 continue.

9 MR. DONOVAN: Mr. Chairman, before we start,
10 may I ask a question of Mr. Mattina?

11 CHAIRMAN SCALZO: Please.

12 MR. DONOVAN: Okay.

13 MR. MATTINA: Yes.

14 MR. DONOVAN: So part of this is
15 characterized as a -- you don't have to stand.

16 MR. MATTINA: Well, I was going to come up
17 to the microphone.

18 MR. DONOVAN: You could ask the court, would
19 it please the court.

20 CHAIRMAN SCALZO: He called you Mr., you
21 need to stand.

22 MR. DONOVAN: So you called out some of this
23 as a use variance because why?

24 MR. MATTINA: Well, because it's not a
25 permitted, it's, you're not allowed to have a

1 JMSV Investors

2 sign if it's not 35 feet from the road.

3 MR. DONOVAN: But if it's 50 feet can you
4 have a sign?

5 MR. MATTINA: Yes.

6 MR. DONOVAN: So the underlying use is
7 permitted but for the dimensional requirement and
8 the location of the building, right? Yeah, it's
9 an area variance.

10 CHAIRMAN SCALZO: It's a head scratcher, but
11 yeah, that's the way I was --

12 MR. MATTINA: Right.

13 CHAIRMAN SCALZO: When I read the
14 application I viewed is as an area variance.

15 MR. MATTINA: Right.

16 CHAIRMAN SCALZO: So that's, we're going to
17 make that change.

18 MR. MATTINA: That's fine.

19 CHAIRMAN SCALZO: I was looking for an area
20 variance.

21 So, you look very prepared to give a
22 presentation and I'm going to let you.

23 MR. SMITH: Well, I'll just be very short.

24 I mean, we're, the applicant is looking to open a
25 new restaurant at the property. It is a

JMSV Investors

1
2 restaurant property, so there's absolutely no
3 change in the use, it's going just to be a new
4 business. There's a sign that has existed there
5 for many years, and it has the name of a prior
6 restaurant that went out of business some time
7 ago. So we'd like to just replace that sign with
8 a new sign that has the name of the new
9 restaurant, which is Desidhaba Indian Fine
10 Cuisine or Desidhaba Indian Restaurant.
11 D-e-s-i-d-h-a-b-a, Indian Restaurant.

12 CHAIRMAN SCALZO: So I don't want to
13 oversimplify this, but it sounds as though, you
14 know, I'm going to oversimplify it. It's a
15 preexisting nonconforming condition. You're not
16 increasing the size of the sign that's currently
17 there, you just want to reface it.

18 MR. KUMAR: Yes.

19 MR. SMITH: Yes, sir.

20 CHAIRMAN SCALZO: And any offset side yards
21 are also preexisting nonconforming conditions.
22 Correct?

23 MR. SMITH: Yes, to my knowledge, sir.

24 CHAIRMAN SCALZO: All right.

25 Counselor, am I missing anything tricky

1 JMSV Investors

2 here?

3 MR. DONOVAN: The only thing that is a
4 little tricky, and I didn't mean to put you all
5 on the spot, is that in the relatively new town
6 sign ordinance from 2018, it basically says that
7 once you modify a nonconforming sign, you'll lose
8 the sign. So I think it's an area variance, but
9 it's a little interesting, Joe, the way the code
10 is written --

11 MR. MATTINA: Correct.

12 MR. DONOVAN: -- right?

13 MR. MATTINA: Right. Because it says if
14 it's less than 35 feet, you cannot have a sign.

15 MR. DONOVAN: But it also says you can't,
16 you can keep the sign but you can't change the
17 sign. And that specifically that nonconforming
18 signs are not subject to the nonconforming
19 building structures and uses code or provision of
20 the Town Zoning ordinance.

21 MR. MATTINA: It goes both ways. So I
22 figure if I'll throw it out for a use variance,
23 you say not, fine. I'd rather have it that way
24 than --

25 MR. DONOVAN: Right.

1 JMSV Investors

2 MR. MATTINA: -- get here, you know, at the
3 last minute and say oh, by the way, you need a
4 use.

5 MR. DONOVAN: Yeah. I think the answer is
6 that you can give an area variance for this.
7 It's just interesting, the intent of the code
8 seemed to be not to encourage or permit
9 nonconforming signs to be altered, whereas other
10 provisions of the code do permit that.

11 CHAIRMAN SCALZO: Right.

12 MR. DONOVAN: But it's still my view it's an
13 area variance. But I can see how -- you know,
14 it's kind of be careful of what you wish for,
15 because this Board has been talking about
16 modification of the sign ordinance for years and
17 they came through, and I don't mean to be
18 critical of them, but it's a lot of pages for
19 code compliance.

20 MR. MATTINA: It went from three lines to 60
21 pages.

22 CHAIRMAN SCALZO: Yeah. You know, all I can
23 think of, Mr. Bell, you and I sort of discussed
24 it afterwards, but T-Mobile --

25 MR. BELL: Yeah.

1 JMSV Investors

2 CHAIRMAN SCALZO: -- out there on, that's
3 the one that's, I believe that's a very
4 similar --

5 MR. BELL: Yeah.

6 CHAIRMAN SCALZO: -- similar situation where
7 they had one that's close to the road.

8 MR. BELL: Yup.

9 CHAIRMAN SCALZO: And I believe we are
10 consistent with ourselves.

11 MR. BELL: Yeah.

12 CHAIRMAN SCALZO: Okay.

13 MR. BELL: And when I hear the word
14 "modification", that's, to me that's changing the
15 whole structure of the sign, but that's not
16 what's happening.

17 CHAIRMAN SCALZO: You're refacing.

18 MR. KUMAR: We're refacing the sign.

19 MR. BELL: He's taking the old name down.

20 CHAIRMAN SCALZO: Nothing is coming down,
21 nothing is going up, it's just a refacing of the
22 sign.

23 MR. BELL: You're just removing that white,
24 that black and white sign.

25 MR. KUMAR: Correct.

1 JMSV Investors

2 MR. BELL: And putting their sign that, that
3 let's people know that they have that Indian
4 cuisine restaurant there, that's all. So there's
5 nothing being changed other than the sign, the
6 words of the sign.

7 CHAIRMAN SCALZO: Thank you, Mr. Bell.

8 All right, Ms. Rein, any questions?

9 MS. REIN: No, I'm good.

10 CHAIRMAN SCALZO: Mr. Masten?

11 MR. MASTEN: Not right now, no.

12 CHAIRMAN SCALZO: Okay. Mr. Bell, we heard
13 from you. Anything else to add?

14 MR. BELL: No.

15 CHAIRMAN SCALZO: How about you,
16 Mr. Hermance, anything?

17 MR. HERMANCE: No. Mr. Gramstad, I'm
18 letting you off easy by letting you go last,
19 everybody asked all the questions you wanted.

20 MR. GRAMSTAD: No, Mr. Bell asked all the
21 questions I had, so I'm good.

22 CHAIRMAN SCALZO: I'm going to open this up
23 to any members of the public that may want to
24 discuss this application. Anyone here, please
25 step forward.

1 JMSV Investors

2 (No response)

3 CHAIRMAN SCALZO: It looks like none. So
4 I'll bring it back to the Board for one last
5 opportunity.

6 (No response)

7 CHAIRMAN SCALZO: Very good. All right, so
8 I'll look to the Board for a motion to close the
9 public hearing.

10 MR. BELL: I'll make a motion to close the
11 public hearing.

12 MR. MASTEN: I'll second it.

13 CHAIRMAN SCALZO: We have a motion from
14 Mr. Bell, we have a second from Mr. Masten. All
15 in favor?

16 (Chorus of "ayes")

17 CHAIRMAN SCALZO: Opposed?

18 (No response)

19 CHAIRMAN SCALZO: Very good. All right, so
20 now we are going to move forward. This is a Type
21 II action.

22 MR. DONOVAN: This is an unlisted action.

23 CHAIRMAN SCALZO: Unlisted action, thank
24 you, counselor. I would have gone the wrong way.

25 MR. DONOVAN: Okay, I agree with you.

1 JMSV Investors

2 CHAIRMAN SCALZO: That's why you're here,
3 thank you. So the Board is going to make a
4 motion to approve this application, but we also
5 need a motion for a negative declaration I guess.

6 MR. DONOVAN: That is correct.

7 CHAIRMAN SCALZO: That is correct.

8 MS. REIN: Sorry, what? I didn't hear you.

9 CHAIRMAN SCALZO: If the Board is going to
10 make a motion to approve this application, then
11 we would also need a motion for a negative
12 declaration.

13 MR. DONOVAN: Indicating that there's no
14 adverse environmental impact --

15 CHAIRMAN SCALZO: Impact under SEQRA.

16 MR. DONOVAN: -- as a result of the sign
17 being 35 feet from the front property line.

18 CHAIRMAN SCALZO: Thank you, counselor. So
19 in this case do I need a motion from the --

20 MR. DONOVAN: You do.

21 CHAIRMAN SCALZO: Thank you.

22 MS. REIN: I make a motion.

23 MR. MASTEN: I second that.

24 CHAIRMAN SCALZO: For a negative
25 declaration?

1 JMSV Investors

2 MS. REIN: For a negative declaration.

3 CHAIRMAN SCALZO: We have a motion from Ms.
4 Rein, we have a second from Mr. Masten. All in
5 favor?

6 (Chorus of ayes)

7 CHAIRMAN SCALZO: Opposed?

8 (No response)

9 CHAIRMAN SCALZO: All right, very good.
10 Anybody have any motions for approval or denial?

11 MR. BELL: I make a motion for approval.

12 MR. DONOVAN: You're going to skip over
13 the -- you know, you missed one month. You're
14 going to skip over the balancing test?

15 CHAIRMAN SCALZO: We do have the balancing
16 test. Sorry, yeah. Thanks, counselor. I'm a
17 little out of it. Did I tell you I didn't mind
18 missing a month?

19 MS. JABLESNIK: This guy.

20 MR. DONOVAN: Did I tell you that we missed
21 you, though?

22 CHAIRMAN SCALZO: All right, so we are going
23 to run through the factors, the first one being
24 whether or not the benefit can be achieved by
25 other means feasible to the applicant. Well,

1 JMSV Investors

2 sure, you could put the sign back, but that would
3 be difficult. The second, if there's an
4 undesirable change in the neighborhood character
5 or a detriment to the nearby properties.

6 MR. BELL: No.

7 MS. REIN: It's not.

8 CHAIRMAN SCALZO: The third, whether the
9 request is substantial.

10 MS. REIN: No.

11 CHAIRMAN SCALZO: It's no more substantial
12 than it already is. Fourth, whether the request
13 will have adverse physical or environmental
14 effects. No. And the fifth, whether the alleged
15 difficulty is self created, which is relevant but
16 not determinative.

17 MR. BELL: Right.

18 CHAIRMAN SCALZO: No, it's preexisting. All
19 right, so now I'm going to look to the Board for
20 a motion for approval.

21 MR. BELL: I'll make a motion for approval.

22 MR. GRAMSTAD: I'll second it.

23 CHAIRMAN SCALZO: We have a motion for
24 approval from Mr. Bell, and it sounded like we
25 had a second from Mr. Gramstad. Will you roll on

1 JMSV Investors

2 that please, Siobhan.

3 MS. JABLESNIK: Mr. Bell.

4 MR. BELL: Yes.

5 MS. JABLESNIK: Mr. Gramstad.

6 MR. GRAMSTAD: Yes.

7 MS. JABLESNIK: Mr. Hermance.

8 MR. HERMANCE: Yes.

9 MS. JABLESNIK: Mr. Masten.

10 MR. MASTEN: Yes.

11 MS. JABLESNIK: Ms. Rein.

12 MS. REIN: Yes.

13 MS. JABLESNIK: Mr. Scalzo.

14 CHAIRMAN SCALZO: Yes.

15 Motion carried, variances are approved.

16 Good luck.

17 MR. KUMAR: Thank you very much.

18 (Time noted: 7:34 p.m.)

19

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1 JMSV Investors

2 CERTIFICATE

3 STATE OF NEW YORK)
 4) SS:
 5 COUNTY OF ORANGE)

6
 7 I, KARI L. REED, a Shorthand Reporter
 8 (Stenotype) and Notary Public within and for
 9 the State of New York, do hereby certify:

10 I reported the proceedings in the
 11 within-entitled matter and that the within
 12 transcript is a true record of such
 13 proceedings.

14 I further certify that I am not related,
 15 by blood or marriage, to any of the parties in
 16 this matter and that I am in no way interested
 17 in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set
 19 my hand this 6th of December, 2022.

20
 21
 22 *Kari L Reed*

23 _____
 24 KARI L. REED
 25

2 STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH ZONING BOARD OF APPEALS

3 -----X

4 In the Matter of

5 ALFRED BOCKEMUHL

6 35 Old South Plank Road, Newburgh
Section 52; Block 2; Lot 16
R1 Zone

7 -----X

8 Tuesday, November 22, 2022
7:35 p.m.
9 Town of Newburgh Town Hall
Newburgh, New York

11 BOARD MEMBERS: DARRIN SCALZO, Chairman
12 DARRELL BELL
13 ROBERT GRAMSTAD
14 GREGORY M. HERMANCE
JOHN MASTEN
DONNA REIN

15 ALSO PRESENT: DAVID DONOVAN, ESQ.
16 JOSEPH MATTINA
17 SIOBHAN JABLESNIK

18 APPLICANT'S REPRESENTATIVE: ALFRED BOCKEMUHL

22 -----

23 MICHELLE L. CONERO
3 Francis Street
24 Newburgh, New York 12550
(845)541-4163

25

2 CHAIRMAN SCALZO: All right, our next
3 applicant is Mr. Bockemuhl, 35 Old South Plank
4 Road in Newburgh, seeking an area variance of
5 increasing the degree of nonconformity of the
6 front, side and combined side yards to rebuild
7 the side yard stairs and extend the existing roof
8 to cover the stairs.

9 Siobhan, mailings on this?

10 MS. JABLESNIK: Yes. The applicant sent out
11 50 mailings and the County came back with local
12 determination.

13 CHAIRMAN SCALZO: The County came back with
14 local determination. Do we have anything from
15 the Orange Lake Homeowners Association?

16 MR. BOCKEMUHL: Not tonight.

17 CHAIRMAN SCALZO: Not tonight. All right,
18 well, I know who you are, but would you --

19 MR. BOCKEMUHL: We're at 50 mailings.

20 CHAIRMAN SCALZO: Five-oh. Imagine if they
21 were certified.

22 MS. JABLESNIK: You were not the winner,
23 though.

24 MR. BOCKEMUHL: Get out of here.

25 MS. JABLESNIK: No.

2 MR. BOCKEMUHL: Wow, that's amazing.

3 Good evening, everybody. My name is Alfred
4 Bockemuhl, I'm the applicant. As you know, I
5 applied to the Building Department for a building
6 permit, and I was referred here for a variance.
7 I've applied for an area variance, preexisting,
8 nonconforming porch.

9 A picture is worth a thousand words, so I
10 brought my pictures. The top left picture was
11 the existing deck that I built in a hurry of this
12 week 17 years ago, trying to get into my house.
13 I've torn that down, and I'm trying to build the
14 bottom picture. And the picture on the right is
15 a roof over a doorway, and I didn't want to get
16 hung up when I applied for the building permit
17 for that roof over the doorway. It's on the
18 other side of the house. So I wanted to show
19 that in case that was a point of discussion.

20 CHAIRMAN SCALZO: That's all you got?

21 MR. BOCKEMUHL: What else you need?

22 CHAIRMAN SCALZO: Well --

23 MR. BOCKEMUHL: You want the architectural
24 drawings?

25 CHAIRMAN SCALZO: No, no, that's great.

2 Mr. Mattina, I'm going to put you on the
3 spot for a moment.

4 MR. MATTINA: Go ahead.

5 CHAIRMAN SCALZO: The rendering that's on
6 the right with the roof next to the garage,
7 because it is not supported by the ground and it
8 is supported by the building, is that considered
9 for our offset distances?

10 MR. MATTINA: Yes and no, but you're allowed
11 the ten percent, and that, that's not going to
12 play into it. Because there are exemptions
13 you're allowed, so that has nothing to do with
14 it.

15 CHAIRMAN SCALZO: So I don't think we need
16 to discuss that portion.

17 MR. BOCKEMUHL: Okay, great, thank you.

18 CHAIRMAN SCALZO: All right, the porch with
19 the roof over it, I really have nothing else to
20 add other than it's nice to not get wet when it's
21 raining out while you're standing at the door
22 waiting for someone to answer.

23 MR. BOCKEMUHL: Yeah. So that answers the
24 balance question number one, because I could use
25 an umbrella, but I don't want to.

2 CHAIRMAN SCALZO: Thank you. All right.

3 MS. REIN: I have a couple of questions.

4 CHAIRMAN SCALZO: Yeah, I was just going to
5 start down there, how about that.

6 MS. REIN: And it may just be clerical. But
7 number ten on page two of five, "will the
8 proposed action connect to an existing
9 public/private water supply." That doesn't make
10 sense to me, you said "yes".

11 MR. BOCKEMUHL: Well, if the water falls on
12 my property, it goes to Orange Lake. There's no
13 way around it.

14 CHAIRMAN SCALZO: That's the water supply.

15 MS. REIN: Yeah, that's not the question.

16 MR. BOCKEMUHL: Okay. So then we'll need to
17 correct that.

18 MS. REIN: Please change it to "no". And
19 the one after that, "will the proposed action
20 connect to existing wastewater utilities", again.

21 MR. BOCKEMUHL: Well, the house is connected
22 to existing wastewater. So I guess it's the
23 definition of the proposed action that I was not
24 clear on, so I erred on the side of caution,
25 right, when you say "yes".

2 MS. REIN: I don't think that's the correct
3 answer.

4 MR. DONOVAN: Are you on town?

5 MR. BOCKEMUHL: Yes. The water and sewer.

6 MR. DONOVAN: So the answer is "yes".

7 MS. REIN: Okay.

8 MR. BOCKEMUHL: I got that right?

9 MS. REIN: Just number ten. Yeah, I read
10 everything, so.

11 MR. BOCKEMUHL: That's fine.

12 MS. REIN: It's my job.

13 MR. BOCKEMUHL: Yeah.

14 MS. REIN: Okay.

15 CHAIRMAN SCALZO: It's a Type II action,
16 right?

17 MR. DONOVAN: That's correct.

18 CHAIRMAN SCALZO: Just checking.

19 Thank you, Ms. Rein.

20 Mr. Masten?

21 MR. MASTEN: I have no questions.

22 CHAIRMAN SCALZO: Very good. Mr. Bell?

23 MR. BELL: None.

24 CHAIRMAN SCALZO: Mr. Hermance?

25 MR. HERMANCE: I have no questions.

2 CHAIRMAN SCALZO: Mr. Gramstad?

3 MR. GRAMSTAD: No questions.

4 CHAIRMAN SCALZO: I'm going to start with
5 you next time.

6 MS. REIN: Hey, hey.

7 CHAIRMAN SCALZO: At this point I'm going to
8 open it up to any members of the public that wish
9 to speak about this application. Please step
10 forward and state your name.

11 MR. GIZI: Hi, I'm Frank Gizi. I live
12 directly behind Al. Nice to meet you.

13 MR. BOCKEMUHL: Nice to meet you too.

14 MR. GIZI: I just want to make sure, my wife
15 sent me in to make sure there's nothing that's
16 going to block our view of the lake from behind.
17 I don't think so. I can't really tell from the
18 pictures where, and I'm behind, it doesn't have
19 anything -- it doesn't block my view or anything?

20 MR. BOCKEMUHL: No. So, so the -- on one of
21 the pictures it's --

22 MR. GIZI: I'm right behind Brian.

23 MR. BOCKEMUHL: Yeah. You're back here,
24 right? This part of the house --

25 MR. GIZI: Okay, you're on the other side.

2 MR. BOCKEMUHL: The roof that's going to go
3 on there is going to be blocked by that part of
4 the house.

5 MR. GIZI: That's over here on this side,
6 right?

7 MR. BOCKEMUHL: Yeah, that's right.

8 MR. GIZI: Okay. So it doesn't affect me at
9 all. Okay, that's all.

10 CHAIRMAN SCALZO: You have no other
11 comments?

12 MR. GIZI: No, that was it. I just wanted
13 to see where it was.

14 CHAIRMAN SCALZO: Okay, so very good. Thank
15 you.

16 MR. GIZI: G-I-Z-I, first name Frank.

17 CHAIRMAN SCALZO: Very good. Go home and
18 report.

19 MR. GIZI: Yeah.

20 MR. DONOVAN: We all know how that works
21 too.

22 MR. BOCKEMUHL: Tell her that we changed
23 something because you came.

24 (Laughter)

25 CHAIRMAN SCALZO: Any other members of the

2 public that wish to speak about this application?

3 (No response)

4 CHAIRMAN SCALZO: No, very good. One last
5 shot from the Board. And if not, I'll look for a
6 motion to close the public hearing.

7 MR. MASTEN: I'll make a motion to close the
8 public hearing.

9 MR. BELL: I'll second it.

10 CHAIRMAN SCALZO: I have a motion from
11 Mr. Masten, I have a second from Mr. Bell. All
12 in favor?

13 (Chorus of ayes)

14 CHAIRMAN SCALZO: Those opposed?

15 (No response)

16 CHAIRMAN SCALZO: There, we have no
17 opposition. So now this is a Type II action
18 under SEQRA. We're going to go through the five
19 factors we're weighing, the first one being
20 whether or not the benefit can be achieved by
21 other means feasible to the applicant. Well, we
22 heard about the umbrella. If the benefit can be
23 achieved by other means feasible to the applicant
24 other than the umbrella statement.

25 MR. BELL: No.

2 CHAIRMAN SCALZO: Yup. Second, if there's
3 an undesirable change in the neighborhood
4 character or a detriment to nearby properties.

5 MR. BELL: No.

6 CHAIRMAN SCALZO: I actually think it's
7 going to enhance the look of the house.

8 MR. BELL: It will look a lot better.

9 CHAIRMAN SCALZO: Third, whether the request
10 is substantial.

11 MR. BELL: No.

12 CHAIRMAN SCALZO: All the lots in that area
13 are, you know, you've got to do with what you
14 have. Fourth, whether the request will have
15 adverse physical or environmental effects.

16 MR. BELL: No.

17 CHAIRMAN SCALZO: The only thing I could
18 think of is you don't know where your water
19 drains now. We just heard about the leaders
20 going on someone else's. I'm assuming you're
21 going to throw it towards the road.

22 MR. BOCKEMUHL: Yeah. There's a pipe here
23 that's going to take the gutter, and that's going
24 to connect into a catch basin in the street.

25 CHAIRMAN SCALZO: Directly to a catch basin

2 in the street?

3 MR. BOCKEMUHL: Yeah. It was permitted
4 through the highway department.

5 CHAIRMAN SCALZO: You heard that, right, Mr.
6 Mattina? All right. We're good.

7 Fifth, whether the alleged difficulty is
8 self created, which is relative but not
9 determinative.

10 All right, having gone through the balance
11 test, does the Board have a motion of some sort?

12 MR. HERMANCE: I make a motion to approve.

13 MR. BELL: I second.

14 CHAIRMAN SCALZO: We have a motion from
15 Mr. Hermance, we have a second from Mr. Bell.
16 Can you roll on that, please, Siobhan.

17 MS. JABLESNIK: Mr. Bell.

18 MR. BELL: Yes.

19 MS. JABLESNIK: Mr. Gramstad.

20 MR. GRAMSTAD: Yes.

21 MS. JABLESNIK: Mr. Hermance.

22 MR. HERMANCE: Yes.

23 MS. JABLESNIK: Mr. Masten.

24 MR. MASTEN: Yes.

25 MR. DONOVAN: Ms. Rein.

2 MS. REIN: Yes.

3 MS. JABLESNIK: Mr. Scalzo.

4 CHAIRMAN SCALZO: Yes. The variances are
5 approved. Good luck to you, I hope it turns out
6 well.

7 MR. BOCKEMUHL: Thank you.

8 (Time noted 7:43 p.m.)

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CERTIFICATE

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and NotaryPublic within and for
the State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not related,
by blood or marriage, to any of the parties in
this matter and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 9th day of December, 2022.

Kari L Reed

KARI L. REED

2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH ZONING BOARD OF APPEALS

3 -----X

4 In the Matter of

4 RAMOND PEREZ & ISABEL INFANTE

5 45 Meadow Street, Newburgh
6 Section 77; Block 10; Lot 13
7 R3 Zone

7 -----X

8 Tuesday, November 22, 2022
9 7:44 p.m.
10 Town of Newburgh Town Hall
11 Newburgh, New York

11 BOARD MEMBERS: DARRIN SCALZO, Chairman
12 DARRELL BELL
13 ROBERT GRAMSTAD
14 GREGORY M. HERMANCE
15 JOHN MASTEN
16 DONNA REIN

15 ALSO PRESENT: DAVID DONOVAN, ESQ.
16 JOSEPH MATTINA
17 SIOBHAN JABLESNIK

18 APPLICANT'S REPRESENTATIVE: ERIC LEITHISER

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20
21
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23
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25

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

1 PEREZ & INFANTE

2 CHAIRMAN SCALZO: All right, the next
3 applicant is Ramon Perez and Isabel Infante, 45
4 Meadow Street, Newburgh, seeking area variances
5 of front yard, one side yard and the combined
6 side yards to build a 16.2 by eight front deck
7 and a 58.1 inch by 15.6 side addition and deck.

8 Mailings on this, Siobhan?

9 MS. JABLESNIK: Yes. This applicant sent
10 out 70.

11 CHAIRMAN SCALZO: Whoa.

12 MS. JABLESNIK: There's the winner.

13 MS. REIN: Overkill.

14 CHAIRMAN SCALZO: And is this within
15 500 feet of a state or county road?

16 MS. JABLESNIK: No.

17 CHAIRMAN SCALZO: Okay, so that's fine.
18 All right, who do we have with us tonight?

19 MR. LEITHISER: My name is Eric. It's not
20 on the application under "contractor".

21 CHAIRMAN SCALZO: Okay. Well, you're
22 standing here with them, so I'd like you to --

23 MR. LEITHISER: Oh, yeah, I apologize.

24 MR. DONOVAN: Your last name?

25 MR. LEITHISER: Leithiser. It's

1 PEREZ & INFANTE

2 L-e-i-t-h-i-s-e-r.

3 MR. DONOVAN: Okay.

4 CHAIRMAN SCALZO: All right. It says here
5 you're seeking an area variance to adjust one car
6 garage for two cars. I love a two car garage.
7 Desired addition will be comparable to other
8 homes in the neighborhood. And you want a two
9 car garage, and there's really not a lot of
10 options behind it. Is there anything else you'd
11 like to add to that? We did take a look at the
12 application as well as, you know, the Town of
13 Newburgh Code Compliance sends us exactly, you
14 know, what the minimum standards are, what's the
15 proposed variances you're seeking, you know. The
16 one big one is the 53 percent on the one side
17 yard because you're going, the minimum required
18 is 15, you have more than that, now you're
19 proposing 7.04, which is tight. You'll never get
20 a car around there, right.

21 I'm having a difficult time too when I was
22 looking and I had to blow it up, dimensionally
23 you go around the property, and 204 feet,
24 10 inches and 11/16th front on the radius is,
25 it's 269 feet five inch radius, and then, but the

1 PEREZ & INFANTE

2 curb length is 61 feet, six and 1/16th of an
3 inch. But all your offsets to the house are in
4 engineering feet, which is what we all prefer,
5 right. So I'm just kind of curious, you also
6 have a dimension, I want to say it's 7.04, which
7 is reflected in the application on the left hand
8 side of the house.

9 MR. LEITHISER: Mm-hmm.

10 CHAIRMAN SCALZO: And it appears that if
11 you're going to match the house line, you may be
12 converging on the property line as you get
13 further towards the back. Which means you may
14 need more of a variance than you're asking for.
15 Do you understand what I mean?

16 MR. LEITHISER: Yes.

17 CHAIRMAN SCALZO: So how can we be sure this
18 is all you need? And that, that's just getting
19 started, so.

20 MR. LEITHISER: Yes.

21 CHAIRMAN SCALZO: So I need you to think
22 about that. You know, it's very similar homes in
23 the neighborhood. I have a single car garage, I
24 would die for a second car garage. It is quite
25 deep. Is your intent to have it two cars deep?

1 PEREZ & INFANTE

2 MR. PEREZ: Yeah.

3 CHAIRMAN SCALZO: Yes?

4 MR. LEITHISER: Yes.

5 MR. PEREZ: The situation with us is, like
6 the other gentlemen I have a car, an older car
7 that I've been driving around for 25 years, and I
8 don't want to leave it outside. I had an
9 accident, this is another reason why we have to
10 have a two car garage, I had an accident in 2017
11 where I was run over by a dump truck. So for
12 whatever reason I'm here. So I can't do the snow
13 out front anymore. And my wife, as you see, is a
14 smaller person. So we want to just have our cars
15 in the garage so someone could come with a plow
16 and just get rid of it, which wouldn't happen
17 before because our vehicles would all be out on
18 the driveway. That was the main issue that we
19 needed this.

20 CHAIRMAN SCALZO: Thank you. All right, I'm
21 going to back peddle a little bit. Are you on
22 all municipal services there, water and sewer,
23 with the town?

24 MR. PEREZ: We are not on sewer. We have
25 septic, but we have water.

1 PEREZ & INFANTE

2 CHAIRMAN SCALZO: Okay. I am going to now,
3 that almost takes care of my next question I was
4 going to ask, if you could seek a two car garage
5 in the backyard, but I'm assuming that's where
6 the septic is.

7 MR. PEREZ: Yeah, that's where the septic
8 is.

9 CHAIRMAN SCALZO: All right. That's a
10 little, like I say, 7.04 is a little tight. And
11 also I have a concern about how the building
12 line, and it might just be, it might just be the
13 way the sketch is depicted. Again, I'll circle
14 back to that in a minute.

15 Now I'm going to start with Mr. Gramstad.
16 Do you have any comments on this application?

17 MR. GRAMSTAD: You're looking to take down
18 the existing garage where it is now and build it?

19 MR. LEITHISER: We will do a roof line
20 change and foundation change.

21 MR. GRAMSTAD: Okay, so you're going to move
22 the services and everything?

23 MR. LEITHISER: Yeah.

24 CHAIRMAN SCALZO: Okay?

25 MR. GRAMSTAD: Okay, that was my question.

1 PEREZ & INFANTE

2 CHAIRMAN SCALZO: Okay. Mr. Hermance.

3 MR. HERMANCE: Yeah, that was my concern,
4 because you have the, your electrical service
5 entrance on that side and you have your
6 condensing coil for your AC right there, so that
7 will all have to be relocated.

8 MR. LEITHISER: With the building permit
9 we're hoping to ask to bury the utilities, the
10 electrical in the back of the house, along with
11 upgrading their AC system.

12 MR. HERMANCE: Okay. And as far as
13 aesthetics, when it -- if the addition is built,
14 in between the neighbors do you plan on anything
15 as a buffer?

16 MR. LEITHISER: There's currently a hedgerow
17 there, and that won't be disturbed, like a row of
18 trees there.

19 MR. HERMANCE: Mm-hmm.

20 CHAIRMAN SCALZO: You're a contractor. How
21 tall is this going to be?

22 MR. LEITHISER: Eighteen feet.

23 CHAIRMAN SCALZO: Okay.

24 MR. LEITHISER: It won't be significantly
25 different than what's existing.

1 PEREZ & INFANTE

2 CHAIRMAN SCALZO: All right. Let's say
3 you've got to do something on the side of the
4 house that's along this property line where
5 you've got the 7.04.

6 MR. LEITHISER: Yeah.

7 CHAIRMAN SCALZO: Where's the base of your
8 ladder going to be against the house?

9 MR. LEITHISER: Good question. Possibly in
10 the neighbor's yard.

11 CHAIRMAN SCALZO: That's the concern.

12 MR. LEITHISER: We do have great relations
13 with them.

14 CHAIRMAN SCALZO: Well, that's today, you
15 know.

16 MR. LEITHISER: Yeah.

17 CHAIRMAN SCALZO: So.

18 MR. LEITHISER: Right, I understand.

19 CHAIRMAN SCALZO: Okay, thank you.

20 Mr. Bell.

21 MR. BELL: You covered it, you went through
22 it, I'm good.

23 CHAIRMAN SCALZO: You're glad I'm back, I
24 know.

25 MR. BELL: Great, thank you.

1 PEREZ & INFANTE

2 CHAIRMAN SCALZO: Mr. Masten.

3 MR. MASTEN: I'm good.

4 CHAIRMAN SCALZO: Ms. Rein.

5 MS. REIN: I'm good.

6 CHAIRMAN SCALZO: Okay. Anyone here from
7 the public that wishes to speak about this
8 application?

9 (No response)

10 CHAIRMAN SCALZO: It does not appear so.

11 All right, coming back. Do you have any
12 suggestions, like I say, I have a concern, well,
13 I've got a couple of concerns. And, like I say,
14 should this move forward here, I need a better
15 depiction.

16 MR. LEITHISER: May I?

17 CHAIRMAN SCALZO: Please.

18 MR. LEITHISER: I think I made a typo in our
19 existing to proposed drawings of not including
20 the existing deck that's there with the square
21 footage of the building footprint. There's
22 really not much change at all from the existing
23 footprint as far as into the backyard and how it
24 adjoins their neighbor's property to what's
25 proposed. The existing deck was --

1 PEREZ & INFANTE

2 MR. BELL: Because my understanding is the
3 deck that's already currently there --

4 MR. LEITHISER: Exactly.

5 MR. BELL: -- that the garage was not going
6 to proceed past that part.

7 MR. LEITHISER: We are taking space from a
8 large family room and putting a car inside of it
9 is what it amounts to.

10 MR. BELL: Okay.

11 MR. LEITHISER: And as far as going into the
12 backyard.

13 MR. BELL: Okay.

14 MR. LEITHISER: So I feel like our square
15 foot figure of how we are going to the backyard
16 and the neighbor's property may be off.

17 MR. BELL: Because I did walk the property
18 line on that the neighbor's side and seen where
19 the stakes were in the ground from the back to
20 the front of the utility pole in the front. I
21 did see that, okay. So I see what you're saying,
22 as far as if you was to have to get on the roof
23 from the side, as you were saying, where the
24 ladder would be protruding in your neighbor's
25 yard, we're just trying to make sure that

1 PEREZ & INFANTE

2 something like that doesn't happen. Because
3 again, you might have good relations now, but
4 they sell, move, somebody come in, like you all
5 don't get along so well, this is to protect you
6 as well.

7 MR. PEREZ: Sure, I understand. That day I
8 think it was I showed you where the property line
9 was, I thought that it was sufficient but then I
10 guess I was wrong, because you saw that it was on
11 the other side.

12 MR. BELL: Yes.

13 MR. PEREZ: I don't know if there was
14 enough.

15 CHAIRMAN SCALZO: Okay. I don't want to
16 stop progress here, but I almost feel like I've
17 got to go back to the first application. I
18 really want to see good offsets on a real survey
19 map that are going to show me where your rear
20 corners are. Like I say, the 7.04, that's -- you
21 went to a, .04 is a half an inch. So if you're
22 that specific in the middle of the house, I don't
23 know where you're going to be at the back. We
24 grant you a variance, we find out in the back
25 that you are six and a half and we've made an

1 PEREZ & INFANTE

2 error that we can fix here and now. So, and
3 listen, I'm one of the, you know, the Board
4 members. They may think otherwise. But I would
5 like to see some real dimensions to where your
6 proposed offsets are going to be. I just, I --
7 I'm not settled with it. But that's just me.
8 So, you know. And I'm also looking at a current
9 dimension here, it's saying 20.2? That's to the
10 existing dwelling, that's the rear, and if you,
11 the dimension is actually through the hatched
12 area.

13 MR. LEITHISER: Of the existing structure?

14 CHAIRMAN SCALZO: That's correct.

15 MR. HERMANCE: From the property line to the
16 existing structure.

17 MR. LEITHISER: Oh, oh.

18 CHAIRMAN SCALZO: And that's fine.

19 MR. LEITHISER: Yeah.

20 CHAIRMAN SCALZO: The information that's
21 provided here, I'll say it again, is very
22 specific. It must have come from a survey. Do
23 you have that survey?

24 MR. LEITHISER: Yes.

25 MS. INFANTE: Yes, we do.

1 PEREZ & INFANTE

2 MR. LEITHISER: Yeah, we have it as well.

3 CHAIRMAN SCALZO: So the short story is we
4 can kind of trust those dimensions.

5 MR. BELL: Yeah.

6 MR. LEITHISER: That's --

7 CHAIRMAN SCALZO: That's a little better.

8 MR. BELL: Yup, I think so.

9 CHAIRMAN SCALZO: Okay. All right, any
10 other questions from the public?

11 (No response)

12 CHAIRMAN SCALZO: Any other questions from
13 the Board?

14 MR. GRAMSTAD: No.

15 CHAIRMAN SCALZO: So I'll look to the Board
16 for a motion to close the public hearing.

17 MR. BELL: I make a motion to close the
18 public hearing.

19 MR. GRAMSTAD: Second.

20 CHAIRMAN SCALZO: We have a motion from
21 Mr. Bell, we have a second from Mr. Gramstad.
22 All in favor?

23 (Chorus of ayes)

24 CHAIRMAN SCALZO: Those opposed?

25 (No response)

1 PEREZ & INFANTE

2 CHAIRMAN SCALZO: Okay. Well, this is a
3 Type II action under SEQRA. We are going to go
4 through the balancing test again. First, whether
5 or not the benefit can be achieved by other means
6 feasible to the applicant.

7 MR. BELL: No, it's kind of -- no. No.

8 CHAIRMAN SCALZO: No. Second, if there's an
9 undesirable change in the neighborhood character
10 or a detriment to nearby properties. Well,
11 there's other homes in there with two car
12 garages.

13 MR. BELL: For sure.

14 CHAIRMAN SCALZO: Third, whether the request
15 is substantial. By the numbers you may think so.
16 One of the percentages is close to 50, which
17 would be the side yard, because we are required
18 to have 15 and we have seven, so we're over.
19 Fourth, whether the request will have adverse
20 physical or environmental effects. And fifth,
21 whether the alleged difficulty is self created,
22 which is relevant but not determinative.

23 MR. BELL: Right.

24 CHAIRMAN SCALZO: Okay. Having gone through
25 the balancing test, the area variance, what is

1 PEREZ & INFANTE

2 the pleasure of the Board, does the Board have a
3 motion of some sort?

4 MS. REIN: I make a motion to approve.

5 MR. BELL: I second it.

6 CHAIRMAN SCALZO: We have a motion for
7 approval by Ms. Rein, we have a second from
8 Mr. Bell. Can you roll on that, please, Siobhan.

9 MS. JABLESNIK: Mr. Bell.

10 MR. BELL: Yes.

11 MS. JABLESNIK: Mr. Gramstad.

12 MR. GRAMSTAD: Yes.

13 MS. JABLESNIK: Mr. Hermance.

14 MR. HERMANCE: Yes.

15 MS. JABLESNIK: Mr. Masten.

16 MR. MASTEN: Yes.

17 MS. JABLESNIK: Ms. Rein.

18 MS. REIN: Yes.

19 MS. JABLESNIK: Mr. Scalzo.

20 CHAIRMAN SCALZO: No. Although you have a
21 majority here, so the variances are approved.

22 MR. LEITHISER: Cheers.

23 MS. INFANTE: Thank you.

24 (Time noted 7:57 p.m.)

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PEREZ & INFANTE

CERTIFICATE

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and NotaryPublic within and for
the State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not related,
by blood or marriage, to any of the parties in
this matter and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 9th day of December, 2022.

Kari L Reed

KARI L. REED

2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH ZONING BOARD OF APPEALS

3 -----X

4 In the Matter of

4 DAVID JONES
5 6 Susan Drive, Newburgh
6 Section 46; Block 5; Lot 4
6 R1 Zone

7 -----X

8 Tuesday, November 22, 2022
9 7:58 p.m.
9 Town of Newburgh Town Hall
10 Newburgh, New York

11 BOARD MEMBERS: DARRIN SCALZO, Chairman
12 DARRELL BELL
13 ROBERT GRAMSTAD
14 GREGORY M. HERMANCE
15 JOHN MASTEN
16 DONNA REIN

17 ALSO PRESENT: DAVID DONOVAN, ESQ.
18 JOSEPH MATTINA
19 SIOBHAN JABLESNIK

20 APPLICANT'S REPRESENTATIVE: JONATHAN DeJOY, ESQ.

21 -----

22 -
23 MICHELLE L. CONERO
24 3 Francis Street
25 Newburgh, New York 12550
(845)541-4163

1 DAVID JONES

2 CHAIRMAN SCALZO: All right, our last new
3 business application this evening is David
4 Jones, 6 Susan Drive in Newburgh. Area
5 variances of the maximum rear yard setback,
6 maximum lot surface coverage and lot building
7 coverage to keep a 20 by 27.58 raised concrete
8 patio with a six by eight and 13 by 11.6 rear
9 deck.

10 We have mailings on this one, Siobhan?

11 MS. JABLESNIK: Yes. This applicant sent
12 out 33 letters.

13 CHAIRMAN SCALZO: Thirty-three. Not the
14 winner.

15 MR. DeJOY: I think that's still --

16 MS. JABLESNIK: I don't know.

17 CHAIRMAN SCALZO: All right, I've been
18 waiting for this one because I read some stuff
19 in here, and I think it's fantastic.

20 MR. DeJOY: Good evening, everyone. My
21 name is Jonathan DeJoy from the law firm of
22 Catania, Mahon & Rider. I'm here this evening
23 on behalf of the owners of 6 Susan Drive, Dave
24 Jones and his wife Ellen Jones. And, as you
25 mentioned just a second ago, we are seeking

1 DAVID JONES

2 area variances for some preexisting
3 nonconforming conditions, specifically a raised
4 patio and two decks on the rear of the house.
5 As you saw in the survey from 1958, the patio
6 and the decks have both existed since the house
7 was built or close to it in 1956, they're not
8 building anything new. In fact, the property
9 owners are in the process of selling their home
10 right now, so they're just here to correct
11 those existing nonconformance.

12 CHAIRMAN SCALZO: Very good. Thank you
13 for wrapping that up. With the correspondence
14 that you've attached to the application, you've
15 basically done our job for us --

16 MR. DeJOY: Thank you.

17 CHAIRMAN SCALZO: -- with all of the
18 points. But here's where the, this is, I have
19 to ask, I've been sitting next to counsel for
20 many years and he's never thrown this word at
21 me, what is "arguendo"?

22 MR. DeJOY: Arguendo. So --

23 CHAIRMAN SCALZO: Arguendo, oh, that's
24 why.

25 MR. DONOVAN: You have to pronounce it

1 DAVID JONES

2 correctly.

3 CHAIRMAN SCALZO: If you pronounce it
4 correctly it makes perfect sense.

5 MR. DeJOY: It means basically
6 hypothetically. For the sake of argument.

7 CHAIRMAN SCALZO: Thank you, I'll take
8 that one with me, that's great.

9 And then there was another one here. I'm
10 afraid I might pronounce it wrong. De minimus?

11 MR. DeJOY: De minimus. The minimum.

12 CHAIRMAN SCALZO: Thank you. Thank you.
13 All right.

14 MS. JABLESNIK: It's the holiday, you've
15 got to start playing fancy words now.

16 MR. DONOVAN: I guess so. I've got to
17 step my game up.

18 CHAIRMAN SCALZO: I took all that fun away
19 from you guys, but I'm sure you might have
20 other comments.

21 MR. BELL: I'm good.

22 CHAIRMAN SCALZO: So in this case I'll,
23 it's really, again, you captured it quite well,
24 preexisting nonconforming addition, no proposed
25 improvements to what we saw out there.

1 DAVID JONES

2 MR. DeJOY: No.

3 CHAIRMAN SCALZO: Mr. Gramstad, do you
4 have any comments?

5 MR. GRAMSTAD: No. I was out there. The
6 patio is beautiful. But I have no comments at
7 this time.

8 CHAIRMAN SCALZO: Very good.
9 Mr. Hermance.

10 MR. HERMANCE: I have no comments.

11 CHAIRMAN SCALZO: Mr. Bell?

12 MR. BELL: None.

13 CHAIRMAN SCALZO: Mr. Masten?

14 MR. MASTEN: No.

15 CHAIRMAN SCALZO: Ms. Rein?

16 MS. REIN: Yeah.

17 CHAIRMAN SCALZO: Oh. Does it have
18 something to do with the EAF?

19 MS. REIN: I don't know. Okay, I have two
20 little questions here.

21 CHAIRMAN SCALZO: Sure.

22 MS. REIN: The first one here, page three
23 of three, on number 15 I don't even know if
24 this is an issue, but there's an endangered
25 species, the Atlantic sturgeon and the bald

1 DAVID JONES

2 eagle. Is that an issue?

3 MR. DeJOY: So I think, so we prepared
4 this EAF using the mapper tool, which
5 automatically fills it out. And I believe
6 that's just because of the home's proximity to
7 the Hudson River.

8 MS. REIN: Oh, okay.

9 MR. DeJOY: Yeah.

10 MS. REIN: Okay. And the other one,
11 number 20, "has the site of the proposed action
12 or an adjoining property been the subject of
13 remediation, ongoing, for hazardous waste."

14 MR. DeJOY: Again, that would be filled
15 out by the mapper tool automatically, so I
16 don't know if at some time prior to 1956 it
17 could have been, but.

18 MR. DONOVAN: But does it matter for our
19 deliberations, the answer to that is no.

20 MS. REIN: Okay.

21 MR. DeJOY: And again we would submit to
22 that -- we submitted an EAF as a courtesy to
23 the Board, but we believe this is a Type II
24 action.

25 CHAIRMAN SCALZO: Oh, it certainly is.

1 DAVID JONES

2 And if it's not --

3 MS. REIN: Thank you.

4 MR. DeJOY: You're welcome.

5 CHAIRMAN SCALZO: -- counsel will correct
6 me. Very good. Anyone here from the public to
7 speak about this application?

8 (No response)

9 CHAIRMAN SCALZO: Very good. Back to the
10 Board. Any other comments?

11 MR. BELL: No.

12 CHAIRMAN SCALZO: No. I look to the Board
13 for a motion to close the public hearing.

14 MR. MASTEN: I make a motion the public --
15 to close the public hearing.

16 MR. GRAMSTAD: Second.

17 MS. REIN: I second.

18 CHAIRMAN SCALZO: We have a motion from
19 Mr. Masten, I'll give that one to Mr. Gramstad
20 as a second. All in favor?

21 (Chorus of ayes)

22 CHAIRMAN SCALZO: Those opposed?

23 (No response)

24 CHAIRMAN SCALZO: Very good. The public
25 hearing is now closed. And this is a Type II

1 DAVID JONES

2 action under SEQRA, and we have those same
3 balancing points that we did for previous
4 applications this evening. The first one being
5 whether or not the benefit can be achieved by
6 other means feasible to the applicant. This is
7 a preexisting nonconforming, the answer is no.
8 The second, there's an undesirable change in
9 the neighborhood character or detriment to the
10 nearby properties. There is no change. The
11 third, whether the request is substantial. You
12 know, zoning changes over the years, this may
13 have been within code before but perhaps it's
14 not now. So no. Fourth, whether the request
15 will have adverse physical or environmental
16 effects.

17 MR. BELL: None.

18 CHAIRMAN SCALZO: No. The fifth, whether
19 the alleged difficulty is self created, which
20 is relevant but not determinative. It was not
21 self created.

22 MR. BELL: Not created, no.

23 CHAIRMAN SCALZO: So, having gone through
24 the balancing test, does the Board have a
25 motion of some sort?

1 DAVID JONES

2 MR. GRAMSTAD: I make a motion to approve.

3 MR. HERMANCE: Second.

4 CHAIRMAN SCALZO: We have a motion to
5 approve by Mr. Gramstad, we have a second from
6 Mr. Hermance. Roll on that, please, Siobhan.

7 MS. JABLESNIK: Mr. Bell.

8 MR. BELL: Yes.

9 MS. JABLESNIK: Mr. Gramstad.

10 MR. GRAMSTAD: Yes.

11 MS. JABLESNIK: Mr. Hermance?

12 MR. HERMANCE: Yes.

13 MS. JABLESNIK: Mr. Masten.

14 MR. MASTEN: Yes.

15 MS. JABLESNIK: Ms. Rein.

16 MS. REIN: Yes.

17 MS. JABLESNIK: Mr. Scalzo?

18 CHAIRMAN SCALZO: Yes. The motion is
19 carried, the variances are approved. Good
20 luck.

21 MR. DeJOY: Thank you very much.

22 (Time noted: 8:04 p.m.)

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DAVID JONES

CERTIFICATE

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public within and for
the State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not related,
by blood or marriage, to any of the parties in
this matter and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 10th day of December, 2022.

Kari L Reed

KARI L. REED

2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH ZONING BOARD OF APPEALS

3 -----X

4 In the Matter of

4 DAVID JONES
5 6 Susan Drive, Newburgh
6 Section 46; Block 5; Lot 4
6 R1 Zone

7 -----X

8 Tuesday, November 22, 2022
9 7:58 p.m.
9 Town of Newburgh Town Hall
10 Newburgh, New York

11 BOARD MEMBERS: DARRIN SCALZO, Chairman
12 DARRELL BELL
13 ROBERT GRAMSTAD
14 GREGORY M. HERMANCE
15 JOHN MASTEN
16 DONNA REIN

17 ALSO PRESENT: DAVID DONOVAN, ESQ.
18 JOSEPH MATTINA
19 SIOBHAN JABLESNIK

20 APPLICANT'S REPRESENTATIVE: JONATHAN DeJOY, ESQ.

21 -----

22 -
23 MICHELLE L. CONERO
24 3 Francis Street
25 Newburgh, New York 12550
(845)541-4163

1 DAVID JONES

2 CHAIRMAN SCALZO: All right, our last new
3 business application this evening is David
4 Jones, 6 Susan Drive in Newburgh. Area
5 variances of the maximum rear yard setback,
6 maximum lot surface coverage and lot building
7 coverage to keep a 20 by 27.58 raised concrete
8 patio with a six by eight and 13 by 11.6 rear
9 deck.

10 We have mailings on this one, Siobhan?

11 MS. JABLESNIK: Yes. This applicant sent
12 out 33 letters.

13 CHAIRMAN SCALZO: Thirty-three. Not the
14 winner.

15 MR. DeJOY: I think that's still --

16 MS. JABLESNIK: I don't know.

17 CHAIRMAN SCALZO: All right, I've been
18 waiting for this one because I read some stuff
19 in here, and I think it's fantastic.

20 MR. DeJOY: Good evening, everyone. My
21 name is Jonathan DeJoy from the law firm of
22 Catania, Mahon & Rider. I'm here this evening
23 on behalf of the owners of 6 Susan Drive, Dave
24 Jones and his wife Ellen Jones. And, as you
25 mentioned just a second ago, we are seeking

1 DAVID JONES

2 area variances for some preexisting
3 nonconforming conditions, specifically a raised
4 patio and two decks on the rear of the house.
5 As you saw in the survey from 1958, the patio
6 and the decks have both existed since the house
7 was built or close to it in 1956, they're not
8 building anything new. In fact, the property
9 owners are in the process of selling their home
10 right now, so they're just here to correct
11 those existing nonconformance.

12 CHAIRMAN SCALZO: Very good. Thank you
13 for wrapping that up. With the correspondence
14 that you've attached to the application, you've
15 basically done our job for us --

16 MR. DeJOY: Thank you.

17 CHAIRMAN SCALZO: -- with all of the
18 points. But here's where the, this is, I have
19 to ask, I've been sitting next to counsel for
20 many years and he's never thrown this word at
21 me, what is "arguendo"?

22 MR. DeJOY: Arguendo. So --

23 CHAIRMAN SCALZO: Arguendo, oh, that's
24 why.

25 MR. DONOVAN: You have to pronounce it

1 DAVID JONES

2 correctly.

3 CHAIRMAN SCALZO: If you pronounce it
4 correctly it makes perfect sense.

5 MR. DeJOY: It means basically
6 hypothetically. For the sake of argument.

7 CHAIRMAN SCALZO: Thank you, I'll take
8 that one with me, that's great.

9 And then there was another one here. I'm
10 afraid I might pronounce it wrong. De minimus?

11 MR. DeJOY: De minimus. The minimum.

12 CHAIRMAN SCALZO: Thank you. Thank you.
13 All right.

14 MS. JABLESNIK: It's the holiday, you've
15 got to start playing fancy words now.

16 MR. DONOVAN: I guess so. I've got to
17 step my game up.

18 CHAIRMAN SCALZO: I took all that fun away
19 from you guys, but I'm sure you might have
20 other comments.

21 MR. BELL: I'm good.

22 CHAIRMAN SCALZO: So in this case I'll,
23 it's really, again, you captured it quite well,
24 preexisting nonconforming addition, no proposed
25 improvements to what we saw out there.

1 DAVID JONES

2 MR. DeJOY: No.

3 CHAIRMAN SCALZO: Mr. Gramstad, do you
4 have any comments?

5 MR. GRAMSTAD: No. I was out there. The
6 patio is beautiful. But I have no comments at
7 this time.

8 CHAIRMAN SCALZO: Very good.
9 Mr. Hermance.

10 MR. HERMANCE: I have no comments.

11 CHAIRMAN SCALZO: Mr. Bell?

12 MR. BELL: None.

13 CHAIRMAN SCALZO: Mr. Masten?

14 MR. MASTEN: No.

15 CHAIRMAN SCALZO: Ms. Rein?

16 MS. REIN: Yeah.

17 CHAIRMAN SCALZO: Oh. Does it have
18 something to do with the EAF?

19 MS. REIN: I don't know. Okay, I have two
20 little questions here.

21 CHAIRMAN SCALZO: Sure.

22 MS. REIN: The first one here, page three
23 of three, on number 15 I don't even know if
24 this is an issue, but there's an endangered
25 species, the Atlantic sturgeon and the bald

1 DAVID JONES

2 eagle. Is that an issue?

3 MR. DeJOY: So I think, so we prepared
4 this EAF using the mapper tool, which
5 automatically fills it out. And I believe
6 that's just because of the home's proximity to
7 the Hudson River.

8 MS. REIN: Oh, okay.

9 MR. DeJOY: Yeah.

10 MS. REIN: Okay. And the other one,
11 number 20, "has the site of the proposed action
12 or an adjoining property been the subject of
13 remediation, ongoing, for hazardous waste."

14 MR. DeJOY: Again, that would be filled
15 out by the mapper tool automatically, so I
16 don't know if at some time prior to 1956 it
17 could have been, but.

18 MR. DONOVAN: But does it matter for our
19 deliberations, the answer to that is no.

20 MS. REIN: Okay.

21 MR. DeJOY: And again we would submit to
22 that -- we submitted an EAF as a courtesy to
23 the Board, but we believe this is a Type II
24 action.

25 CHAIRMAN SCALZO: Oh, it certainly is.

1 DAVID JONES

2 And if it's not --

3 MS. REIN: Thank you.

4 MR. DeJOY: You're welcome.

5 CHAIRMAN SCALZO: -- counsel will correct
6 me. Very good. Anyone here from the public to
7 speak about this application?

8 (No response)

9 CHAIRMAN SCALZO: Very good. Back to the
10 Board. Any other comments?

11 MR. BELL: No.

12 CHAIRMAN SCALZO: No. I look to the Board
13 for a motion to close the public hearing.

14 MR. MASTEN: I make a motion the public --
15 to close the public hearing.

16 MR. GRAMSTAD: Second.

17 MS. REIN: I second.

18 CHAIRMAN SCALZO: We have a motion from
19 Mr. Masten, I'll give that one to Mr. Gramstad
20 as a second. All in favor?

21 (Chorus of ayes)

22 CHAIRMAN SCALZO: Those opposed?

23 (No response)

24 CHAIRMAN SCALZO: Very good. The public
25 hearing is now closed. And this is a Type II

1 DAVID JONES

2 action under SEQRA, and we have those same
3 balancing points that we did for previous
4 applications this evening. The first one being
5 whether or not the benefit can be achieved by
6 other means feasible to the applicant. This is
7 a preexisting nonconforming, the answer is no.
8 The second, there's an undesirable change in
9 the neighborhood character or detriment to the
10 nearby properties. There is no change. The
11 third, whether the request is substantial. You
12 know, zoning changes over the years, this may
13 have been within code before but perhaps it's
14 not now. So no. Fourth, whether the request
15 will have adverse physical or environmental
16 effects.

17 MR. BELL: None.

18 CHAIRMAN SCALZO: No. The fifth, whether
19 the alleged difficulty is self created, which
20 is relevant but not determinative. It was not
21 self created.

22 MR. BELL: Not created, no.

23 CHAIRMAN SCALZO: So, having gone through
24 the balancing test, does the Board have a
25 motion of some sort?

1 DAVID JONES

2 MR. GRAMSTAD: I make a motion to approve.

3 MR. HERMANCE: Second.

4 CHAIRMAN SCALZO: We have a motion to
5 approve by Mr. Gramstad, we have a second from
6 Mr. Hermance. Roll on that, please, Siobhan.

7 MS. JABLESNIK: Mr. Bell.

8 MR. BELL: Yes.

9 MS. JABLESNIK: Mr. Gramstad.

10 MR. GRAMSTAD: Yes.

11 MS. JABLESNIK: Mr. Hermance?

12 MR. HERMANCE: Yes.

13 MS. JABLESNIK: Mr. Masten.

14 MR. MASTEN: Yes.

15 MS. JABLESNIK: Ms. Rein.

16 MS. REIN: Yes.

17 MS. JABLESNIK: Mr. Scalzo?

18 CHAIRMAN SCALZO: Yes. The motion is
19 carried, the variances are approved. Good
20 luck.

21 MR. DeJOY: Thank you very much.

22 (Time noted: 8:04 p.m.)

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DAVID JONES

CERTIFICATE

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public within and for
the State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not related,
by blood or marriage, to any of the parties in
this matter and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 10th day of December, 2022.

Kari L Reed

KARI L. REED

2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH ZONING BOARD OF APPEALS

3 -----X

4 In the Matter of

4 AMERICAN SIGN INC.
5 88 North Plank Road, Newburgh
6 Section 77; Block 2; Lot 2.1
6 B Zone

7 -----X

8 Tuesday, November 22, 2022
9 7:59 p.m.
9 Town of Newburgh Town Hall
10 Newburgh, New York

11 BOARD MEMBERS: DARRIN SCALZO, Chairman
12 DARRELL BELL
13 ROBERT GRAMSTAD
14 GREGORY M. HERMANCE
15 JOHN MASTEN
16 DONNA REIN

17 ALSO PRESENT: DAVID DONOVAN, ESQ.
18 JOSEPH MATTINA
19 SIOBHAN JABLESNIK

20 APPLICANT'S REPRESENTATIVE: JONATHAN DeJOY, ESQ.

21 -----

22 MICHELLE L. CONERO
23 3 Francis Street
24 Newburgh, New York 12550
25 (845)541-4163

1 AMERICAN SIGN, INC.

2 CHAIRMAN SCALZO: The next item was held
3 open from the October 27th meeting. The
4 applicant, American Sign Inc., 88 North Plank
5 Road, Newburgh, seeking an area variance of the
6 setback to install a nine by nine sign onto an
7 existing nonconforming freestanding sign. This
8 is held open from last month. I understand it
9 was --

10 MR. BELL: Mr. Chair.

11 CHAIRMAN SCALZO: -- it was the county, we
12 hadn't heard back from the county yet.

13 MR. BELL: Yeah.

14 CHAIRMAN SCALZO: So their time is up. And
15 we probably have heard from them, haven't we?

16 MS. JABLESNIK: Mm-hmm.

17 CHAIRMAN SCALZO: Which is local
18 determination.

19 MS. JABLESNIK: Mm-hmm.

20 CHAIRMAN SCALZO: The information was in
21 front of me when I arrived here tonight. Thank
22 you. So.

23 MR. DeJOY: I'm back again.

24 CHAIRMAN SCALZO: I didn't get to hear it
25 last time myself.

1 AMERICAN SIGN, INC.

2 MR. DeJOY: Yeah. So we are seeking an area
3 variance for the last application for a
4 preexisting nonconforming, our sign structure
5 sits 20 feet from the property line. Code
6 requires 35. And essentially all the applicant
7 is doing is removing a Shop Rite sign that was
8 there before when Shop Rite was open, and
9 replacing that with an Ocean State Job Lot sign.
10 Now, they are also going to be reducing the
11 height of the sign structure by about seven and a
12 half feet, so it will be shorter than it
13 currently is today. The sign has five or six
14 other smaller signs for the other businesses in
15 the plaza that are currently on it, and we will
16 not be making any other changes other than
17 essentially, as you saw on a previous
18 application, changing the lettering on the sign,
19 and lowering it.

20 MR. BELL: Yup.

21 CHAIRMAN SCALZO: The structure of the sign
22 itself, the uprights, the foundation, none of
23 that is moving?

24 MR. DeJOY: It's not, it's going to be made
25 a little bit shorter but it's not moving at all.

1 AMERICAN SIGN, INC.

2 CHAIRMAN SCALZO: All right. You're not
3 bringing it -- you're not cutting steel off or
4 you're just dropping it on, what's there?

5 MR. DeJOY: I think they're going to cut
6 some steel off the top, I'm not exactly sure
7 about that.

8 MR. BELL: You would have to do that, you
9 would have to cut it?

10 MR. DeJOY: Yeah.

11 MR. BELL: But it's going down, it's lower.

12 MR. DeJOY: Yes, by about seven and a half
13 feet.

14 CHAIRMAN SCALZO: Okay. The public hearing
15 is still open for this application. Any members
16 of the Board have any additional comments from
17 last month's presentation?

18 MR. BELL: No.

19 MS. REIN: No.

20 CHAIRMAN SCALZO: Any members of the public
21 that wish to speak about this application?

22 (No response)

23 CHAIRMAN SCALZO: No, okay. I'll look to
24 the Board for a motion to close the public
25 hearing.

1 AMERICAN SIGN, INC.

2 MR. BELL: I make a motion to close the
3 public hearing.

4 MR. MASTEN: I'll second it.

5 CHAIRMAN SCALZO: We have a motion to close
6 the public hearing from Mr. Bell, we have a
7 second from Mr. Masten. All in favor?

8 (Chorus of ayes)

9 CHAIRMAN SCALZO: Those opposed?

10 (No response)

11 CHAIRMAN SCALZO: Very good. Now, I believe
12 counsel, this is an unlisted action; correct?

13 MR. DONOVAN: So, I don't know. It may have
14 a, it may have a --

15 MR. DeJOY: Yeah.

16 MR. DONOVAN: -- dissertation this evening.

17 So counsel for the applicant has indicated he
18 believes that it's a Type II action because the
19 SEQRA regulations provide that maintenance or
20 repair involving no substantial changes in
21 existing structure or facility are Type II
22 actions. I have always treated sign variances,
23 because they're not called out specifically Type
24 II as unlisted actions, on the theory that I'd
25 rather overreach --

1 AMERICAN SIGN, INC.

2 MR. DeJOY: Sure.

3 MR. DONOVAN: -- than under-reach. So if
4 you have no objection.

5 MR. DeJOY: We have no objection, no.

6 MR. DONOVAN: Okay.

7 CHAIRMAN SCALZO: Unlisted it is.

8 MR. DONOVAN: Correct. Or maybe not, maybe
9 not. But for tonight's purposes we'll call it --

10 CHAIRMAN SCALZO: You can throw some fancy
11 words at me like this application.

12 MR. DONOVAN: Assuming arguendo.

13 CHAIRMAN SCALZO: All right, we're going to
14 consider this an unlisted action under SEQRA, you
15 know, so the Board is now going to need to make a
16 motion for a negative declaration here on this,
17 which is very similar as from the last unlisted
18 action.

19 MR. BELL: I make a motion for a negative
20 declaration.

21 MR. MASTEN: I'll second it.

22 CHAIRMAN SCALZO: We have a motion from
23 Mr. Bell, we have a second from Mr. Masten. All
24 in favor.

25 (Chorus of ayes)

1 AMERICAN SIGN, INC.

2 CHAIRMAN SCALZO: Those opposed?

3 (No response)

4 CHAIRMAN SCALZO: Very good. All right, and
5 now we are still going to go through the
6 balancing test. The first one, whether or not
7 the benefit can be achieved by other means
8 feasible to the applicant. Well, it's a new
9 business, so they want to advertise their
10 business, that makes sense. The second, if it's
11 an undesirable change in the neighbor character
12 or a detriment to nearby properties.

13 MR. BELL: No.

14 CHAIRMAN SCALZO: Third, whether the request
15 is substantial. Actually, it's decreasing.

16 MR. BELL: Decreasing the size, yup.

17 CHAIRMAN SCALZO: The fourth, whether the
18 request will have adverse physical or
19 environmental effects. Fifth, whether the
20 alleged difficulty is self created --

21 MR. BELL: None.

22 CHAIRMAN SCALZO: -- which is relevant but
23 not determinative. The sign is already there.

24 Having gone through the balancing tests,
25 does the Board have a motion of some sort for

1 AMERICAN SIGN, INC.

2 variances?

3 MR. BELL: I make a motion to approve.

4 MR. GRAMSTAD: I'll second it.

5 CHAIRMAN SCALZO: We have a motion for
6 approval from Mr. Bell, we have a second from Mr.
7 Gramstad. Can you roll on that, Siobhan.

8 MS. JABLESNIK: Mr. Bell.

9 MR. BELL: Yes.

10 MS. JABLESNIK: Mr. Gramstad.

11 MR. GRAMSTAD: Yes.

12 MS. JABLESNIK: Mr. Hermance.

13 MR. HERMANCE: Yes.

14 MS. JABLESNIK: Mr. Masten.

15 MR. MASTEN: Yes.

16 MS. JABLESNIK: Ms. Rein.

17 MS. REIN: Yes.

18 MS. JABLESNIK: Mr. Scalzo.

19 CHAIRMAN SCALZO: Yes. The variances are
20 approved, motion has carried.

21 MR. DeJOY: Thank you very much, have a good
22 night everyone.

23 MS. REIN: Thank you.

24 (Time noted: 8:09 p.m.)

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AMERICAN SIGN, INC.

CERTIFICATE

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public within and for
the State of New York, do hereby certify:

I reported the proceedings in the
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I further certify that I am not related,
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in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 10th day of December, 2022.

Kari L Reed

KARI L. REED

2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH ZONING BOARD OF APPEALS

3 -----X

4 In the Matter of

4 LLC CONSTRUCTION, INC.
5 3 Noah Place, Newburgh
6 Section 86; Block 1; Lot 95.13
R1 Zone

7 -----X

8 Tuesday, November 22, 2022
9 8:10 p.m.
Town of Newburgh Town Hall
10 Newburgh, New York

11 BOARD MEMBERS: DARRIN SCALZO, Chairman
12 DARRELL BELL
13 ROBERT GRAMSTAD
14 GREGORY M. HERMANCE
JOHN MASTEN
DONNA REIN

15 ALSO PRESENT: DAVID DONOVAN, ESQ.
16 JOSEPH MATTINA
17 SIOBHAN JABLESNIK

18 APPLICANT'S REPRESENTATIVE: LUIS LEMA

19
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21
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MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

1 LLC CONSTRUCTION, INC.

2 CHAIRMAN SCALZO: All right, we are moving
3 along. LLC Construction Inc., 3 Noah Place in
4 Newburgh. And again, this was a holdover from
5 last month due to the County not responding,
6 correct? And they came back with a local
7 determination.

8 MS. JABLESNIK: Yes.

9 CHAIRMAN SCALZO: All right. The public
10 hearing is still open. Do we have any comments
11 from the Board, anything that was --

12 MR. BELL: No.

13 CHAIRMAN SCALZO: -- outstanding?

14 MR. BELL: No.

15 CHAIRMAN SCALZO: Nothing, all right.
16 Excuse me for a moment, I'm a little
17 disorganized.

18 MS. JABLESNIK: Two months of packets to go
19 through.

20 MR. BELL: An accessory structure.

21 CHAIRMAN SCALZO: Yes, an accessory
22 structure. All right, the issue here is the
23 maximum building height of 15 feet, you're
24 proposing 17 feet, eight inches.

25 MR. LEMA: Yes.

1 LLC CONSTRUCTION, INC.

2 CHAIRMAN SCALZO: That's all we're here to
3 talk about.

4 MR. BELL: Yup.

5 CHAIRMAN SCALZO: All right. Anyone from
6 the public who wishes to speak about this?

7 (No response)

8 CHAIRMAN SCALZO: It does not appear so.
9 One last opportunity for the Board?

10 (No response)

11 CHAIRMAN SCALZO: Very good. So I'll look
12 to the Board for a motion to close the public
13 hearing.

14 MS. REIN: I make a motion to close the
15 public hearing.

16 MR. GRAMSTAD: I make a motion to close the
17 public hearing.

18 CHAIRMAN SCALZO: I'm going to give that one
19 to Ms. Rein.

20 MR. GRAMSTAD: And I'll second.

21 CHAIRMAN SCALZO: Second from Mr. Gramstad.
22 All in favor?

23 (Chorus of ayes)

24 CHAIRMAN SCALZO: Those opposed?

25 (No response)

1 LLC CONSTRUCTION, INC.

2 CHAIRMAN SCALZO: Very good. This obviously
3 is a Type II action under SEQRA.

4 MR. DONOVAN: Correct.

5 CHAIRMAN SCALZO: Thanks. And here we go
6 again with the balancing test. The first one
7 being whether the benefit can be achieved by
8 other means feasible to the applicant. I'm sure
9 it could, but you dropped that down, the roof
10 line's a little different. Second, if there's an
11 undesirable change in the neighborhood character
12 or detriment to nearby properties. No. Third,
13 whether the request is substantial. At 17 feet,
14 eight inches, my concern of potentially having
15 apartment dwellers is not there, so that's good.
16 Fourth, whether the request will have adverse
17 physical or environmental effects.

18 MR. BELL: None.

19 CHAIRMAN SCALZO: And the fifth, whether the
20 alleged difficulty is self created, which of
21 course it is.

22 MR. BELL: It is.

23 CHAIRMAN SCALZO: Thank you. Having gone
24 through the balancing tests, does the Board have
25 a motion of some sort?

1 LLC CONSTRUCTION, INC.

2 MR. GRAMSTAD: I make a motion to approve.

3 MR. BELL: I second.

4 CHAIRMAN SCALZO: We have a motion to
5 approve by Mr. Gramstad, we have a second from
6 Mr. Bell. Can you roll call on that, Siobhan.

7 MS. JABLESNIK: Mr. Bell.

8 MR. BELL: Yes.

9 MS. JABLESNIK: Mr. Gramstad.

10 MR. GRAMSTAD: Yes.

11 MS. JABLESNIK: Mr. Hermance.

12 MR. HERMANCE: Yes.

13 MS. JABLESNIK: Mr. Masten.

14 MR. MASTEN: Yes.

15 MS. JABLESNIK: Ms. Rein.

16 MS. REIN: Yes.

17 MS. JABLESNIK: Mr. Scalzo.

18 CHAIRMAN SCALZO: Yes. The variances are
19 approved, you're good to go.

20 MR. LEMA: Thank you.

21 CHAIRMAN SCALZO: Thank you.

22 (Time noted: 8:13 p.m.)

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LLC CONSTRUCTION, INC.

CERTIFICATE

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public within and for
the State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not related,
by blood or marriage, to any of the parties in
this matter and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 10th day of December, 2022.

Kari L Reed

KARI L. REED

2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH ZONING BOARD OF APPEALS

3 -----X

4 In the Matter of

4 2102 PARTNERS LLC
5 2102 Route 300, Wallkill
6 Section 3; Block 1; Lot 21.31
AR Zone

7 -----X

8 Tuesday, November 22, 2022
9 8:14 p.m.
Town of Newburgh Town Hall
10 Newburgh, New York

11 BOARD MEMBERS: DARRIN SCALZO, Chairman
12 DARRELL BELL
13 ROBERT GRAMSTAD
GREGORY M. HERMANCE
14 JOHN MASTEN
DONNA REIN

15 ALSO PRESENT: DAVID DONOVAN, ESQ.
16 JOSEPH MATTINA
17 SIOBHAN JABLESNIK

18 APPLICANT'S REPRESENTATIVE: JOHN FURST, ESQ.

22 -----

23 MICHELLE L. CONERO
24 3 Francis Street
Newburgh, New York 12550
(845)541-4163

25

1 2102 Partners LLC

2 CHAIRMAN SCALZO: Okay. As I have stated, I
3 was not here. You can only get so much flavor
4 from reading the minutes.

5 MR. FURST: Yes.

6 CHAIRMAN SCALZO: So I'm going to ask my
7 fellow Board members, as I look at the site plan
8 here, I know there was possibly some discussion
9 about moving the corrals for the stand stone --
10 sandstone and item #4, as well as the proposed
11 relocation of containers is something new to me
12 as well. Was there any discussion on that? No?

13 MS. REIN: I don't think so.

14 CHAIRMAN SCALZO: No?

15 MR. BELL: I'm sorry, repeat that?

16 CHAIRMAN SCALZO: On the site plan that's
17 been provided, the upper portion, the northerly
18 most corner of the lot --

19 MR. BELL: Yeah.

20 CHAIRMAN SCALZO: -- there are corrals.
21 They have proposed mafia block bins --

22 MS. REIN: Right.

23 CHAIRMAN SCALZO: -- for sandstone and item
24 #4. With that being relative to residential
25 areas, you know, had anybody discussed the

1 2102 Partners LLC

2 possibility of moving those closer to Route 300?

3 MR. BELL: No.

4 CHAIRMAN SCALZO: No.

5 MR. FURST: I think the idea was to kind of
6 stick them in the corner in the back, and they
7 were adding some landscaping along the side, at
8 least one of the sides.

9 CHAIRMAN SCALZO: Okay. You know, the
10 biggest thing for me, we had seen this
11 application in 2018. We made a determination,
12 and then you came in and had us really look at it
13 a little differently. So the natural progression
14 of the property, because WCC Tank, that type of
15 business really doesn't exist anymore, is that,
16 is that what I'm understanding?

17 MR. FURST: Well, I mean, they're both
18 commercial businesses, they're both contractors
19 who do their work off site, you know. They are
20 slightly different businesses. One deals with
21 underground fuel tanks, one deals with
22 underground storage tanks, but the uses are
23 exactly the same.

24 CHAIRMAN SCALZO: But "exactly" is a
25 difficult word, but I --

1 2102 Partners LLC

2 MR. BELL: The use is the same.

3 CHAIRMAN SCALZO: -- I understand what
4 you're saying.

5 MR. FURST: And I think this is a logical
6 outgrowth of that business.

7 CHAIRMAN SCALZO: All right. Again, I don't
8 want to, you know, keep saying I wasn't here last
9 month, but there must have been extensive
10 discussion here that would end up being, you
11 know, is there anything I'm missing here, folks?
12 Last month did you exhaust all --

13 MR. BELL: Yup, we exhausted everything last
14 month. We -- it was that they was going to bring
15 back their plan and show us where the buffers and
16 all were going to be, lay out where the vehicle
17 parking, the stone gravel pit. So this was
18 mentioned last month as well. We went over how
19 many vehicles that would be on site, hours of
20 operation.

21 CHAIRMAN SCALZO: All right, so there you
22 go, how many vehicles were on site. And I know
23 from the meeting from the month before, because I
24 was in attendance --

25 MR. FURST: Right.

1 2102 Partners LLC

2 MR. BELL: They were the same.

3 CHAIRMAN SCALZO: -- they listed their
4 equipment.

5 MR. FURST: Correct, we do.

6 CHAIRMAN SCALZO: And do we have that, is
7 that in the minutes or is that on this plan?

8 MR. FURST: As part of the application was a
9 breakdown of all the trucks.

10 CHAIRMAN SCALZO: Okay. It's been a while
11 since I looked at the application.

12 MR. BELL: And that was covered as well. As
13 and well as the hours of operation, which are on
14 the --

15 CHAIRMAN SCALZO: That's on the plan.

16 MR. BELL: -- site plan. And then we
17 discussed that there are no soils removed from
18 the workplace brought back to the -- to the
19 business site, so that would not happen. So we
20 covered everything --

21 CHAIRMAN SCALZO: Okay.

22 MR. BELL: -- basically. And we actually, I
23 don't want to say, use the word "approved", but
24 we actually asked him to bring this back to show
25 us, to make sure that they were going to do what

1 2102 Partners LLC

2 we requested. And it's in front of us, so.

3 MR. DONOVAN: If I can just elaborate a
4 little.

5 MR. BELL: Yeah.

6 MR. DONOVAN: So the Board, as I understood,
7 the Board was convinced that the use proposed was
8 permitted by the terms of the 1982 use variance
9 as set and reviewed by the Board. But the
10 concern was there was no site plan, there was no
11 map, we just had a decision which was a little
12 spartan. So the applicant was asked to come back
13 with a map, a site plan map that shows exactly
14 where things are going to be, shows some
15 additional screening, shows hours of operation, I
16 think those were the things the Board was
17 concerned about. And the idea, not the idea, the
18 statement was made that the applicant was going
19 to be asked to do that once the Board was
20 favorably inclined to grant the interpretation.

21 MS. REIN: Right.

22 MR. BELL: Right.

23 CHAIRMAN SCALZO: Okay.

24 MR. DONOVAN: And then the issue is whether
25 or not the mitigating measures, I'll call them,

1 2102 Partners LLC
2 shown on the site plan are sufficient for the
3 Board. Okay, that was the issue or the topic
4 that was on for tonight.

5 CHAIRMAN SCALZO: Okay. Thank you, counsel.

6 MR. BELL: That's correct.

7 CHAIRMAN SCALZO: All right. So we have
8 laid out in front of us a site plan that's
9 proposing a few things. I'm actually going to
10 look to Mr. Mattina here, because, Mr. Mattina,
11 should this go one way or the other, the burden
12 of enforcement becomes your program area, okay.
13 So are you, do you look at this and say this, you
14 know, is there any particular area on this that
15 you could look at and say this is going to be
16 difficult to enforce, or is there any ambiguities
17 on this that, you know, someone could interpret
18 very differently than you or your program area?

19 MR. MATTINA: Everything is difficult to
20 enforce. The only saving grace we have would be
21 what stipulations that you put in writing. That
22 way there's no misunderstandings, there's no
23 interpretations, you know, be very specific on
24 any requirements that you require, and that's
25 what we can enforce.

1 2102 Partners LLC

2 MR. DONOVAN: So the thought was to identify
3 those on the map.

4 MR. BELL: Yup.

5 MR. DONOVAN: I always get a little
6 concerned when you write things in a resolution
7 that's inconsistent with the map. You know,
8 inconsistent can cause a problem for you. My
9 thought maybe, unless you tell me it's too
10 difficult or something, you prefer not to do it,
11 is that the mitigating measures are shown on the
12 map and they are referencing a decision that says
13 "subject to the conditions shown on the map
14 prepared by --

15 CHAIRMAN SCALZO: Dave Feeney.

16 MR. DONOVAN: Dave Feeney" dated such and
17 such.

18 MR. FURST: I mean, a picture is worth a
19 thousand words.

20 MR. MATTINA: Correct. We can enforce what
21 you review. But say, for instance, now suddenly
22 there's a Dumpster on site. Well, there's not a
23 Dumpster here. So babysitting and monitoring the
24 site is --

25 CHAIRMAN SCALZO: Actually there is a

1 2102 Partners LLC

2 Dumpster there.

3 MR. MATTINA: All right, is there? Okay.

4 MR. BELL: There's one.

5 MR. DONOVAN: But I think you look at it as
6 a site plan, Joe.

7 MR. MATTINA: Right.

8 MR. DONOVAN: So it's --

9 MR. MATTINA: Right. As long as you refer
10 to this and say, you know, Mr. Feeney's site plan
11 dated blah, blah, blah.

12 CHAIRMAN SCALZO: Now, counsel, help me, can
13 we also recite as far as with regards to
14 equipment, can we recite what was in the
15 application, so that, does that become part of
16 the decision, or do we use it as a supplemental
17 piece of information for whatever we do?

18 MR. DONOVAN: So I think that a parking
19 area -- I think you can do that. And you can
20 look by the number of vehicles. I would be
21 concerned about saying it's a 2020 --

22 CHAIRMAN SCALZO: No, no.

23 MR. DONOVAN: -- whatever, because at some
24 point in time he's probably going to buy a new
25 vehicle.

1 2102 Partners LLC

2 MR. BELL: Yeah.

3 MR. DONOVAN: I mean, if you, if you, and I
4 didn't look at this for this purpose before, but
5 if the parking area shows so many trucks and so
6 many passenger vehicles, that would be what's
7 allowed.

8 MS. REIN: I thought we were just looking at
9 the equipment as in terms of how many vehicles.

10 CHAIRMAN SCALZO: Well, the employees need
11 to park their vehicles.

12 MS. REIN: Right, exactly.

13 CHAIRMAN SCALZO: So there's going to be
14 some.

15 MS. REIN: But I didn't think we were going
16 to be asking for specifics on that.

17 MR. DONOVAN: Well, there is, so there's a
18 list of vehicles, right.

19 MR. FURST: Correct.

20 MR. DONOVAN: And that may be somewhat
21 different, right? You may swap out, you know.

22 CHAIRMAN SCALZO: Upgrade equipment.

23 MR. DONOVAN: Upgrade equipment over the
24 years.

25 MR. FURST: Yes.

1 2102 Partners LLC

2 MR. DONOVAN: I think the limitation on the
3 number of equipment would be, and I don't know,
4 maybe you need to talk to your client about that.

5 MR. FURST: Yeah. I don't think that was
6 the expectation. I think the idea is basically
7 he's got an area where he can park his trucks and
8 equipment, you know, he's going to stay within
9 that area.

10 MR. DONOVAN: I think what the Board, and I
11 think your client wants to know this too, I don't
12 know what's on the list now, ten, if you went to
13 11, but if you went to 47 all jammed in the area,
14 that I think would be a problem.

15 MR. FURST: Yes. I agree.

16 CHAIRMAN SCALZO: So what type of safeguards
17 do we have against that? The intent a couple
18 months back is, and I believe the applicant had
19 stated that, you know, they just outgrew where
20 they currently were so they were looking to this
21 as the next step but, I don't have the meeting
22 minutes from that meeting to recite, but I
23 thought it was almost an even, you know, they
24 weren't going to expand, a tremendous amount of
25 expansion. You know, so what are we talking, ten

1 2102 Partners LLC

2 percent, if you have ten vehicles then you can
3 have 11, or 20 percent. I don't know.

4 MR. FURST: Well, I think the idea is he's
5 got this site, he wants to be here for a while,
6 and he's got an area where he can park those
7 trucks. So as long as he can fit those
8 reasonably within that area, I think that would
9 be the constraint.

10 CHAIRMAN SCALZO: Okay. So if he can "fit
11 those reasonably within that area," do we have a
12 defined area --

13 MR. FURST: Yes.

14 CHAIRMAN SCALZO: -- where the trucks would
15 be?

16 MR. FURST: So there's an existing gravel
17 area for truck and equipment parking.

18 CHAIRMAN SCALZO: Over septic area that's
19 right here?

20 MR. FURST: Yes.

21 CHAIRMAN SCALZO: That's a great idea.

22 MR. BELL: Right back in the back towards
23 the stone.

24 MR. FURST: In back.

25 CHAIRMAN SCALZO: That makes sense.

1 2102 Partners LLC

2 MR. BELL: And I did ask, you know, about
3 the limited number of vehicles, which was the
4 sheet, which is what they gave us.

5 MR. FURST: Yeah. I think --

6 MS. REIN: Did they tell us ten, I think
7 they told us ten vehicles.

8 MR. BELL: Right.

9 CHAIRMAN SCALZO: And I recall it was, I
10 don't want to say very specific but it was --

11 MR. DONOVAN: It was pretty specific.

12 CHAIRMAN SCALZO: -- generally specific.

13 MR. DONOVAN: More specific than usual.

14 CHAIRMAN SCALZO: Right.

15 MR. BELL: There was a list.

16 MR. GRAMSTAD: Yeah.

17 MS. REIN: And I also think the main concern
18 was that they were not allowed hydrovac equipment
19 there.

20 CHAIRMAN SCALZO: Oh, yeah, that's right.

21 MS. REIN: Which the owner, he said there
22 would not be. That should be in the minutes.

23 CHAIRMAN SCALZO: Right. This is going to
24 be one heck of a decision here, counsel.

25 All right, so the initial documentation from

1 2102 Partners LLC

2 the application showed five I'll call it vehicles
3 and then seven, seven pieces of equipment?

4 MR. FURST: Yeah. I think, is that list
5 updated?

6 MR. CASSCLES: Updated, no.

7 MR. FURST: Okay. So do you have any
8 additional ones that we can give?

9 MR. CASSCLES: There are, there are a few
10 additional. I believe that list was six months
11 ago.

12 CHAIRMAN SCALZO: Okay.

13 MR. BELL: How many are we talking?

14 CHAIRMAN SCALZO: I know the public hearing
15 is closed; however, as the applicant, can
16 we request --

17 MR. DONOVAN: Yes.

18 CHAIRMAN SCALZO: -- ask him questions?

19 MR. DONOVAN: Correct, yes.

20 MR. CASSCLES: I came up so I didn't yell.

21 CHAIRMAN SCALZO: Very good, thank you. So
22 and again, I'm not going to put words in your
23 mouth from the testimony from a couple meetings
24 ago, but I thought I understood that you were at
25 the size you like to be at and, you know, you

1 2102 Partners LLC

2 might swap out a piece of equipment here or
3 there.

4 MR. CASSCLES: We are at the size that we
5 want, that we like to be at, but things change.
6 So what would, what would happen if I bought
7 another trailer?

8 CHAIRMAN SCALZO: Well, you know, we're all
9 talking here that the expansion of this is very
10 delicate to the neighborhood.

11 MR. CASSCLES: Well, I understand that. But
12 business needs change from time to time. And if
13 one year I need three trailers and the next I
14 need five, I can't have those two other trailers
15 because my business needs change? That's where,
16 that's where I'm confused. You keep saying
17 trucks, equipment. Are you talking about trucks
18 or are you talking about earth moving equipment?
19 That's my question, that's why I'm not clear. I
20 can't answer your questions.

21 CHAIRMAN SCALZO: No, it's a fair question,
22 but I didn't provide the list.

23 MR. CASSCLES: No, I understand that. I
24 understand that. But again, you keep asking
25 about trucks. Are you talking about total pieces

1 2102 Partners LLC
2 of insured equipment, trucks, equipment trailers,
3 or are you talking about earth moving equipment
4 or trucks? Because if you split it up I can
5 answer. But I can't answer -- right now we have,
6 right now we have nine total vehicles. Three of
7 them leave every day. They don't -- they go,
8 they come to it work and they leave. Five of the
9 vehicles will be stored inside. Our excavators
10 and our loaders and stuff, that moves in and out
11 based on the job duties. So there's never going
12 to be a total -- all of our equipment will never,
13 and trucks, will never be on site at the same
14 time. So while we may have, for example, for
15 round numbers, where we may have ten pieces of
16 equipment, three or four might be on the site,
17 right on the site, meaning the property,
18 regularly, our equipment and our trucks coming
19 in. It's not a -- it's not a used car lot. If
20 that makes sense.

21 CHAIRMAN SCALZO: They all don't come home
22 every night.

23 MR. CASSCLES: Exactly. Exactly. And one
24 of the, one of the vehicles is my own personal
25 vehicle, so.

1 2102 Partners LLC

2 MS. REIN: You're including the employee
3 vehicles in with this?

4 MR. FURST: No.

5 MR. BELL: No.

6 CHAIRMAN SCALZO: No. This is just
7 equipment.

8 MR. BELL: This is equipment.

9 CHAIRMAN SCALZO: Vehicles or equipment that
10 they need for the company to use.

11 MS. REIN: Well, he said his personal, so I
12 thought maybe --

13 MR. FURST: I mean, it's registered to the
14 business --

15 MS. REIN: I see.

16 MR. CASSCLES: -- but it's -- I drive it,
17 it's my personal vehicle.

18 MS. REIN: I got it.

19 MR. CASSCLES: Nobody is allowed to drive
20 it, only me.

21 MR. BELL: I understand.

22 MR. DONOVAN: How well, my question is,
23 looking at the map in front of us, how well
24 delineated is the existing gravel area for truck
25 and --

1 2102 Partners LLC

2 CHAIRMAN SCALZO: It says truck and --

3 MR. DONOVAN: Yeah, but how is that --

4 CHAIRMAN SCALZO: Oh, I don't know,

5 that's --

6 MR. DONOVAN: Because if he moved away from

7 number of pieces of equipment to a specific

8 area --

9 CHAIRMAN SCALZO: Like a, I don't want to

10 even, you know, confine you to a square footage

11 but, you know, a designated area, you know. And

12 it's difficult without --

13 MR. FURST: Right. So we have two notations

14 where the equipment and trucks break out. Both

15 in the back.

16 MR. DONOVAN: But John, is there a

17 demarcation around there?

18 CHAIRMAN SCALZO: Wait, is that dashed line

19 the --

20 MR. FURST: Yeah. So that dashed line --

21 MR. CASSCLES: That dashed line is pretty

22 accurate.

23 MR. FURST: So the dashed line represents

24 the gravel. The other side of the dashed line

25 is, I don't know, grass, scrub kind of stuff.

1 2102 Partners LLC

2 MR. DONOVAN: So we're kind of talking --

3 MR. FURST: Correct.

4 MR. DONOVAN: -- this area --

5 MR. FURST: Correct.

6 MR. DONOVAN: -- over to here to here to
7 here?

8 MR. FURST: Correct, within that dashed
9 line, yes. Correct. And that's all consistent
10 with how everything has been stored today and in
11 the last 40 years.

12 MR. PALMER: For the record, Taylor Palmer
13 of Cuddy & Feder on behalf of the owner, the
14 current owner of the property. If the Boards
15 were doing a site plan it might be able to have
16 the ability, rather than generically, to identify
17 an area as pointed out by the Board's attorney
18 that's no closer than a certain distance from the
19 property line. That way it's, you know, if
20 anything you're moving it in towards the
21 property. Those, those areas are, that way
22 you're adding an additional sort of final term
23 for your building inspector so there's no
24 ambiguity there that would be otherwise.

25 MR. FURST: You know, we can put hash marks

1 2102 Partners LLC

2 or something on the plans so we can --

3 MR. PALMER: The idea was to implement
4 screening, which was mentioned at the last
5 meeting, to help screen any of these locations.
6 And of course the closeness is what really drives
7 that question. So if you're moving into the
8 site, if there's an area on the site that's
9 demarcated in the field, that would give the
10 building inspector to be able to say yes, nothing
11 is in that area.

12 CHAIRMAN SCALZO: Do you have this same
13 diagram in front of you?

14 MR. FURST: Yes.

15 CHAIRMAN SCALZO: I'm looking at the site
16 plan folks trying to explain it, so I just have a
17 thought here. No, no, I understand that. I
18 don't know, as far as the back of the building
19 I'm not really paying attention, but I can't
20 imagine you would want to park any vehicles over
21 the septic area.

22 MR. CASSCLES: If I could step up.

23 CHAIRMAN SCALZO: You can even draw with the
24 pink marker if you like.

25 MR. CASSCLES: I don't really like pink.

1 2102 Partners LLC

2 CHAIRMAN SCALZO: It doesn't work as well.

3 MR. CASSCLES: That's your favorite one,
4 isn't it?

5 CHAIRMAN SCALZO: No, I like the blue,
6 that's why I had that first.

7 MR. CASSCLES: All right. So this is the
8 septic field. The septic field -- there's a
9 tanker here. Our plan is not to park anywhere in
10 that area. Fourth of July or something we might
11 line trucks up here, flags and stuff like that.
12 But for the most part our plan is to keep most of
13 the trucks near the back here, because our plan
14 is to try to block to the best we can these
15 neighbors here. They're going to see some cars
16 here but they won't see much activity.

17 CHAIRMAN SCALZO: Well, they're passenger
18 cars, it's different.

19 MR. CASSCLES: Yeah. Most of our activity
20 for the business need is going to be on this side
21 of the building, and that's why we are proposing
22 some screening here. Plus there's some
23 overgrowth and everything here that might get
24 cleaned up but it won't go away, because we want
25 to try to keep it as natural as possible.

1 2102 Partners LLC

2 Mr. Bell had brought up a fence last week, and I
3 decided that I didn't like the fence because it
4 makes things very hard and not very natural.

5 Some of the things that the neighbors have been
6 saying is that they like how natural it is. And
7 I agree with them.

8 CHAIRMAN SCALZO: Okay.

9 MR. CASSCLES: Most of, like I said, most of
10 our business dealings will be in that area.

11 CHAIRMAN SCALZO: Okay. So can you guys see
12 what he just sketched up?

13 MS. REIN: No.

14 CHAIRMAN SCALZO: Okay. Pass this down to
15 Donna. I don't know if this is even helpful. It
16 was just me thinking out loud.

17 MR. FURST: Just one thing. Maybe, there's
18 a little area up front for overflow if needed,
19 not on the septic system. And this is just up
20 front if needed. Like I said, as far as the
21 number of vehicles --

22 MR. CASSCLES: I just don't, I just don't
23 want there to be a problem where we park
24 something in the morning and go to work, and then
25 the town --

1 2102 Partners LLC

2 CHAIRMAN SCALZO: And code compliance
3 comes --

4 MR. CASSCLES: Yeah.

5 CHAIRMAN SCALZO: -- and says hey.

6 MR. CASSCLES: Right. The idea is to try to
7 make this as painless for everybody as possible.

8 MR. FURST: On the other side of the
9 septic --

10 CHAIRMAN SCALZO: Pink again.

11 MR. FURST: I like pink, pink is good.

12 CHAIRMAN SCALZO: Again, just avoiding the
13 septic.

14 MR. FURST: Yes.

15 CHAIRMAN SCALZO: That's it. Is that what
16 you are thinking?

17 MR. FURST: Yes.

18 CHAIRMAN SCALZO: I don't know where to go
19 with this, counsel.

20 MR. FURST: So we could revise, if the Board
21 is ready to take action tonight, we can, one of
22 the conditions could be to make, you know, we can
23 make another revision to the plan, put it in
24 cross hatches where you put the pink, so that way
25 it's on the plans stamped by an engineer.

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2 MR. CASSCLES: I can even pay extra to make
3 it pink hashtag.

4 MR. BELL: Specify the parking.

5 MR. DONOVAN: It divides it, which I think
6 makes it easier, right?

7 MR. BELL: Yup.

8 CHAIRMAN SCALZO: It defines it in an area
9 that it's screened best.

10 MR. BELL: Yup.

11 CHAIRMAN SCALZO: On one side by the
12 building itself and on the other side by those
13 trees.

14 MR. FURST: It's consistent with current and
15 past storage.

16 MR. BELL: I'm good, yup.

17 CHAIRMAN SCALZO: All right. The public
18 hearing is closed.

19 MR. BELL: Yup.

20 CHAIRMAN SCALZO: So we don't have to go
21 further there. This is an interpretation.

22 MR. BELL: Yes.

23 MR. DONOVAN: Correct.

24 CHAIRMAN SCALZO: This is not a --

25 MR. DONOVAN: There's no five part balancing

1 2102 Partners LLC

2 test. It's a Type II action under SEQRA.

3 MS. REIN: And all the conditions that we
4 asked for are documented?

5 MR. BELL: Well, we asked for --

6 MR. DONOVAN: If you get to the point where
7 you're ready to vote, it would be a motion to
8 approve the interpretation as requested by the
9 applicant subject to compliance with the -- the
10 hardest part of this is to figure out how we're
11 going to indicate as modified.

12 MS. REIN: Indicate what?

13 MR. DONOVAN: Indicate as modified. I don't
14 know that it's, to say "as outlined in pink by
15 the chairman." However, I think we understand as
16 well as you.

17 CHAIRMAN SCALZO: It's highlighted. So the
18 text is highlighted in blue. But yeah, I'm at a
19 loss, counsel.

20 MR. DONOVAN: I mean, the only other
21 alternative is to bring the map back. I don't
22 know if you want to put it aside another month.

23 MS. REIN: No.

24 MR. FURST: I think we could just refer to
25 the map and then "as modified by the chairman" in

1 2102 Partners LLC

2 the highlighted areas, and you will submit
3 another map --

4 MR. BELL: Showing that?

5 MR. FURST: -- and attorneys who --

6 CHAIRMAN SCALZO: Just because, you know, it
7 was my highlighter --

8 MR. DONOVAN: Correct.

9 CHAIRMAN SCALZO: -- would I be able to --

10 MR. DONOVAN: "Subject to the final review
11 of the chairman?"

12 CHAIRMAN SCALZO: "Subject to final review
13 of the chairman".

14 MR. DONOVAN: Just to make sure it's
15 consistent with this.

16 MR. FURST: Correct.

17 MS. REIN: That's a good remedy.

18 MR. PALMER: Should I take a picture of
19 that?

20 CHAIRMAN SCALZO: Snap a picture.

21 MR. BELL: Because they've done everything
22 that we asked them for.

23 MR. PALMER: It's not on.

24 CHAIRMAN SCALZO: I told you to turn it off.

25 MR. PALMER: I did.

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2 (Laughter)

3 (Picture of map taken)

4 CHAIRMAN SCALZO: It's actually pretty
5 simple really, coming out from half, you know,
6 midway on the building to avoid the septic, the
7 other portion in front of the front, from the
8 front corner to the dashed. It's not that
9 tricky.

10 MR. CASSCLES: That was our plan to begin
11 with. I have no issues with that, that was our
12 plan to begin with.

13 MS. REIN: I'm going to miss not seeing you.

14 MR. CASSCLES: I'm sorry?

15 MS. REIN: I'm going to miss not seeing you.

16 MR. CASSCLES: I can come back.

17 CHAIRMAN SCALZO: All right, so this is an
18 interpretation, counselor. You know, just the
19 whole --

20 MS. REIN: What are you thinking?

21 CHAIRMAN SCALZO: We're given square feet,
22 or not square feet, we're defining an area;
23 therefore, limiting or putting a number on
24 vehicles is not --

25 MR. DONOVAN: Correct.

1 2102 Partners LLC

2 CHAIRMAN SCALZO: We've already got a
3 restriction.

4 MR. DONOVAN: Correct.

5 MR. FURST: There's only so much space.

6 MR. BELL: Yup.

7 CHAIRMAN SCALZO: Now, also the, because we
8 have just defined that area, so your corrals need
9 to stay there.

10 MR. CASSCLES: That's fine.

11 CHAIRMAN SCALZO: Okay.

12 MR. BELL: Yup.

13 CHAIRMAN SCALZO: Okay, all right. So, you
14 know, you're not allowed to move the corrals to
15 get additional parking.

16 All right. So, as I say, counsel, because
17 this is open to interpretation, where do we go?

18 MR. DONOVAN: If the Board is inclined to
19 act, it's a motion to approve the interpretation
20 as requested, subject to compliance with the
21 terms of the map prepared by David Feeney as
22 modified based upon this evening's discussion,
23 subject to final review and approval by the
24 chairman.

25 MR. FURST: Sounds good.

1 2102 Partners LLC

2 MS. REIN: That sounds reasonable.

3 CHAIRMAN SCALZO: I'm waiting for one of
4 youse to say that.

5 MR. DONOVAN: All you have to say is "I make
6 that motion."

7 MS. REIN: I'll make that motion, but he'll
8 have to repeat what he said. Somebody want to
9 second it?

10 MR. BELL: I'll second it.

11 CHAIRMAN SCALZO: All right, so we have a
12 motion from Ms. Rein, we have a second from
13 Mr. Bell. Call on that, Siobhan.

14 MS. JABLESNIK: Mr. Bell.

15 MR. BELL: Yes.

16 MS. JABLESNIK: Mr. Gramstad.

17 MR. GRAMSTAD: Yes.

18 MS. JABLESNIK: Mr. Hermance.

19 MR. HERMANCE: Yes.

20 MS. JABLESNIK: Mr. Masten.

21 MR. MASTEN: Yeah.

22 MS. JABLESNIK: Ms. Rein.

23 MS. REIN: Yes.

24 MS. JABLESNIK: Mr. Scalzo.

25 CHAIRMAN SCALZO: Yes. Okay.

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2 MS. REIN: So this becomes written in stone
3 as soon as we get the modified map and you have
4 it in your hands; correct?

5 CHAIRMAN SCALZO: As soon as I review it and
6 find it to be in compliance with what we just
7 determined here.

8 MS. REIN: Perfect.

9 MR. CASSCLES: I'm coming to your house for
10 Thanksgiving, right?

11 MS. REIN: I hope you have a happy
12 Thanksgiving.

13 MR. FURST: Thank you.

14 CHAIRMAN SCALZO: Thank you.

15 (Time noted: 8:41 p.m.)

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2102 Partners LLC

CERTIFICATE

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public within and for
the State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not related,
by blood or marriage, to any of the parties in
this matter and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 11th day of December, 2022.

Kari L Reed

KARI L. REED

2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH ZONING BOARD OF APPEALS

3 -----X

4 In the Matter of

4 BGB West Mobile Home Park

5 -----X

6 Tuesday, November 22, 2022
7 8:42 p.m.
7 Town of Newburgh Town Hall
8 Newburgh, New York

9 BOARD MEMBERS: DARRIN SCALZO, Chairman
10 DARRELL BELL
10 ROBERT GRAMSTAD
11 GREGORY M. HERMANC
11 JOHN MASTEN
12 DONNA REIN

14 ALSO PRESENT: DAVID DONOVAN, ESQ.
15 JOSEPH MATTINA
15 SIOBHAN JABLESNIK

17 APPLICANT'S REPRESENTATIVE: CHRISTIAN PAGGI

21 -----

22 MICHELLE L. CONERO
23 3 Francis Street
23 Newburgh, New York 12550
24 (845)541-4163

25

1 BGB West Mobile Home Park

2 CHAIRMAN SCALZO: All right.

3 MR. BELL: This is all about 1982.

4 MR. GRAMSTAD: Yeah, we're right back
5 where we started.

6 CHAIRMAN SCALZO: All right, we have more
7 one thing, this is additional Board business,
8 other Board business, BGB West Mobile Home
9 Park. This is a super interesting one.

10 MR. PAGGI: You're telling me.

11 CHAIRMAN SCALZO: All right, so who do we
12 have here?

13 MR. PAGGI: My name is Christian Paggi.
14 I'm the engineer for the applicant for the
15 properties.

16 MR. DONOVAN: Do you have a card or
17 anything?

18 MR. PAGGI: I do not.

19 MR. DONOVAN: Can you spell your name for
20 the stenographer?

21 MR. PAGGI: It is Christian Paggi, P as in
22 Peter, A-G-G-I. So --

23 MR. DONOVAN: So let me start, because the
24 Board has had a couple of conversations about
25 this very odd application. Just to repeat, the

1 BGB West Mobile Home Park
2 court has determined, albeit recently maybe, it
3 doesn't really matter, the court has determined
4 that we cannot review whether this constitutes
5 an impermissible expansion of preexisting
6 nonconforming use because that is decided. The
7 matter has been sent back here to the court for
8 determination if we want to impose any
9 conditions or requirements. And there's a map
10 here. How many, how many homes are you putting
11 in there?

12 MR. PAGGI: It's just replacing, replacing
13 one of the units.

14 MR. DONOVAN: And you're moving it a
15 little bit?

16 MR. PAGGI: Yes. I believe that's shown
17 on the map, the previously existing home and
18 the neighbor.

19 MR. DONOVAN: So if the Board wants to
20 impose any pertinent conditions, we've talked
21 about conditions before, you can impose
22 reasonable conditions related to a legitimate
23 objective, you can do that. But order of
24 magnitude -- this mobile home is moved how much
25 from the prior one?

1 BGB West Mobile Home Park

2 MR. PAGGI: It's a handful of feet, I
3 believe.

4 MR. MATTINA: There were no dimensions
5 previously submitted.

6 MR. DONOVAN: Okay.

7 MR. MATTINA: That was part of the issue.

8 CHAIRMAN SCALZO: I have a question. And
9 I don't see your name on this, but are you
10 affiliated with --

11 MR. PAGGI: I am not, no.

12 CHAIRMAN SCALZO: Have you seen these
13 plans?

14 MR. PAGGI: Recently I have seen those
15 plans.

16 CHAIRMAN SCALZO: Okay. I just, one of
17 the notes on here, note number two on the first
18 sheet says "a proposed lot must be vacant of
19 all existing structures before a building
20 permit for the instillation" (ph), a typo
21 there, "of a new mobile home will be issued."
22 Now, so with this, the current home at 10
23 Oriole Circle, and you can step forward here to
24 take a look at what I am looking at.

25 MR. PAGGI: I think I got it, yup.

1 BGB West Mobile Home Park

2 CHAIRMAN SCALZO: All right. So is the
3 interpretation here that the mobile home that
4 has 10 Oriole Circle in it is being removed, or
5 is that going to remain in place and the
6 proposed 16 by 60, which is hatched or shaded,
7 are there going to be two mobile homes on that
8 lot, or is the one that has 10 Oriole Circle on
9 it being removed?

10 MR. PAGGI: My understanding is that the
11 10 Oriole Circle is remaining. This proposed
12 home is replacing another unit. But I have to
13 be honest, I don't know that to be certain.
14 Because this is a mobile home park, there's
15 going to be multiple pads on these properties.
16 Yeah, that's my understanding.

17 CHAIRMAN SCALZO: Okay. So, you know, if
18 we are going to end up accepting this, that
19 note number two, if it's not accurate on what
20 we have in front of us, that's got to go.

21 MR. PAGGI: Absolutely. One of my
22 questions is that, I don't believe that there's
23 even an application before the Board right now.

24 MR. DONOVAN: Nope. Even though the court
25 said we decided it wrongfully, which was kind

1 BGB West Mobile Home Park
2 of interesting since we never decided because
3 there was never an application.

4 MR. PAGGI: Right.

5 MR. DONOVAN: But the town attorney took
6 this to court twice. Well, actually he didn't
7 take it, it was the defendant's lawyer.

8 MR. PAGGI: Okay.

9 MR. DONOVAN: Argued that there was no
10 application to the ZBA and that the court
11 missed the boat. And I think we can all agree
12 that they did, but at the end of the day it
13 seemed like --

14 MR. PAGGI: Don't come back.

15 MR. DONOVAN: That's what they said.

16 MR. PAGGI: No one near it.

17 MR. DONOVAN: And the town could have gone
18 back, they could have appealed to the appellate
19 division, they could have reargued. Frankly,
20 it seemed like a lot of time and a lot of
21 bother over a mobile home. So what I've
22 suggested to the Board, the court says come
23 back to the ZBA, the ZBA can decide whether or
24 not they can put appropriate conditions and
25 that's it, that's all we were looking at.

1 BGB West Mobile Home Park

2 MR. PAGGI: Yeah.

3 MR. DONOVAN: If you say no, I don't have
4 any conditions, then it goes back to code
5 compliance.

6 MR. PAGGI: Yeah, because the way that I
7 was reading it, and I'm the first to admit I'm
8 not an attorney or a judge, so, but --

9 MR. DONOVAN: Be grateful for that.

10 MR. PAGGI: Yeah, some days I'm not. But
11 it seemed like the conditions that were
12 remaining were the comments that the building
13 inspector had outside of the zoning issues. So
14 there was comments on the deck, I believe, the
15 electrical comments.

16 MR. DONOVAN: Those would all continue to
17 apply.

18 MR. PAGGI: Exactly. So we'd be happy to
19 make sure that we work with him to make sure
20 that those are addressed. Whether or not the
21 Board feels that there would be additional
22 conditions placed on the building permit
23 application --

24 MR. DONOVAN: The conditions, you know,
25 what could they be.

1 BGB West Mobile Home Park

2 MR. PAGGI: Right.

3 MR. DONOVAN: Plant two spruce trees or
4 they've just got to -- if there was an impact
5 that needed to be mitigated the Board could do
6 that, the court said that's the only thing we
7 could do. I don't know that there are any. I
8 mean, there were mobile homes there and now
9 he's going to put another one up. I don't know
10 that there are any conditions to impose.

11 CHAIRMAN SCALZO: I don't know. I take
12 offense to this being in feet and inches. I
13 don't like that stuff.

14 MR. DONOVAN: That's the surveyor.

15 CHAIRMAN SCALZO: No, the architect.

16 MR. DONOVAN: Oh, even worse. Only
17 kidding.

18 MR. PAGGI: I'm an engineer, so no offense
19 taken.

20 MS. REIN: I couldn't figure out what was
21 going on.

22 MR. DONOVAN: Well, it has to do with the
23 judge.

24 CHAIRMAN SCALZO: That's why it's going
25 under "other board business".

1 BGB West Mobile Home Park

2 MR. DONOVAN: So Joe turned him in for
3 what, two area variances?

4 MR. MATTINA: No, just one.

5 MR. DONOVAN: Just one area variance?

6 MR. MATTINA: Just one, front yard
7 setback.

8 MR. DONOVAN: For whatever reason their
9 attorney decided to make it into a big issue,
10 because it could have sailed through here a
11 year ago? How long have they been --

12 MR. MATTINA: Almost two years now.

13 MR. DONOVAN: Almost two years.

14 MS. REIN: Oh, my gosh.

15 MR. DONOVAN: Could have sailed through
16 area variance and been on their way. But at
17 the end of the day the court determined that it
18 was allowed and we could impose reasonable
19 conditions. If there's no conditions to
20 impose, just say no conditions and have a nice
21 life.

22 CHAIRMAN SCALZO: So we don't have to go
23 through a balancing test.

24 MR. DONOVAN: No.

25 CHAIRMAN SCALZO: We don't have an

1 BGB West Mobile Home Park

2 application.

3 MR. DONOVAN: No.

4 CHAIRMAN SCALZO: So if someone from the
5 Board was to say I'm not going to impose any
6 conditions --

7 MS. REIN: I say that.

8 CHAIRMAN SCALZO: -- on this
9 application --

10 MR. BELL: We're not going to --

11 MS. REIN: I say that.

12 MR. BELL: We're not going to --

13 CHAIRMAN SCALZO: We have a statement from
14 Member Rein.

15 MR. DONOVAN: Well, that's a motion. Make
16 the motion.

17 MS. REIN: I make a motion.

18 MR. DONOVAN: Not to impose any
19 conditions.

20 MS. REIN: Not to impose any conditions.

21 CHAIRMAN SCALZO: So we have that motion
22 from Ms. Rein.

23 MR. BELL: Second.

24 CHAIRMAN SCALZO: We have a second from
25 Mr. Bell I thought I heard.

1 BGB West Mobile Home Park

2 MR. BELL: Yes, second.

3 CHAIRMAN SCALZO: All in favor?

4 (Chorus of ayes)

5 CHAIRMAN SCALZO: Those opposed?

6 (No response)

7 MR. DONOVAN: I'll get you something in
8 writing, Joe, that basically says, you know,
9 area variances aren't needed. Sorry you had to
10 wait so long.

11 CHAIRMAN SCALZO: Sorry you had to wait.

12 MR. PAGGI: No, it's all good.

13 CHAIRMAN SCALZO: Has everybody read the
14 meeting minutes from last month? Someone needs
15 to make a motion to accept the meeting minutes.

16 MR. BELL: I make a motion to accept the
17 last month's meeting minutes.

18 MS. REIN: I second.

19 CHAIRMAN SCALZO: All right, we have a
20 motion from Mr. Bell, we have a second from Ms.
21 Rein. All in favor?

22 (Chorus of ayes)

23 CHAIRMAN SCALZO: And do we have a motion
24 to adjourn?

25 MS. REIN: I make a motion to adjourn.

1 BGB West Mobile Home Park

2 CHAIRMAN SCALZO: We have a motion to
3 adjourn from Ms. Rein.

4 MR. GRAMSTAD: I'll second it.

5 CHAIRMAN SCALZO: We have a second from
6 Mr. Gramstad. All in favor?

7 (Chorus of ayes)

8 (Time noted: 8:50 p.m.)

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1 BGB West Mobile Home Park

2 CERTIFICATE

3 STATE OF NEW YORK)
 4) SS:
 5 COUNTY OF ORANGE)

6
 7 I, KARI L. REED, a Shorthand Reporter
 8 (Stenotype) and Notary Public within and for
 9 the State of New York, do hereby certify:

10 I reported the proceedings in the
 11 within-entitled matter and that the within
 12 transcript is a true record of such
 13 proceedings.

14 I further certify that I am not related,
 15 by blood or marriage, to any of the parties in
 16 this matter and that I am in no way interested
 17 in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set
 19 my hand this 11th day of December, 2022.

20
 21
 22 *Kari L Reed*

23 _____
 24 KARI L. REED
 25